



**Missouri Department of**  
**NATURAL RESOURCES**

Eric R. Greitens, Governor

dnr.mo.gov

Carol S. Comer, Director

June 30, 2017

Joint Committee on Administrative Rules  
Waylene Hiles  
State Capitol, Room B8  
Jefferson City, MO 65101

Re: Periodic rule review report pursuant to section 536.175, RSMo.

Dear Ms. Hiles:

Enclosed you will find the Missouri Department of Natural Resources' periodic rule review report. The Department began its formal review on July 1, 2016, and is submitting this report to the Joint Committee on Administrative Rules and the Small Business Regulatory Fairness Board, as required by section 536.175, RSMo. This report also will be made available on the Department's website.

During its review, the Department identified a number of rules we intend to amend or rescind. We expect to identify more rules for amendment or rescission through the regulatory review the Department is just beginning pursuant to Executive Order 17-03.

Should you have any questions, feel free to contact Ms. Katie Jo Wheeler, General Counsel, by mail at P.O. Box 176, Jefferson City, MO 65102, by telephone at (573) 751-0323, or by email at [katiejo.wheeler@dnr.mo.gov](mailto:katiejo.wheeler@dnr.mo.gov).

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Carol S. Comer  
Director

CSC/jkm

c: Small Business Regulatory Fairness Board, via email

# Missouri Department of Natural Resources Rule Review

2016

## Director's Office

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<b>Number of Rules Reviewed</b>											
2											
10 CSR 1-2.030 Minority and Underrepresented Scholarship Program	8/30/1998	No*	Yes	Yes	No	Yes	N/A	No	No	*The statutory authority for administration of this scholarship program was transferred to the Department of Higher Education in HB 1858 (2010). The Department plans to rescind this rule.	
10 CSR 1-3.010 Consolidation of Permit Processing	5/30/2010	Yes	No	No	No	No	N/A	Yes*	No	*This rule benefits small businesses by providing a unified and streamlined permitting process when multiple environmental permits are needed.	

# Missouri Department of Natural Resources Rule Review

2016

## Air Pollution Control

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100											
10 CSR 10-1.010 - General Organization	7/30/2013	Yes	No	No	No	No	N/A	No	No		
10 CSR 10-1.020 - Commission Voting and Meeting Procedures	7/30/1998	Yes	No	No	No	No	N/A	No	No		
10 CSR 10-1.030 - Air Conservation Commission Appeals and Requests for Hearings	1/30/2006	Yes	No	No	No	No	N/A	No	No		
10 CSR 10-2.205 - Control of Emissions From Aerospace Manufacture and Rework Facilities	3/30/2001	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone National Ambient Air Quality Standards (NAAQS) under the State Implementation Plan (SIP).	
10 CSR 10-2.210 - Control of Emissions From Solvent Metal Cleaning	2/29/2008	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS.	
10 CSR 10-2.215 - Control of Emissions from Solvent Cleanup Operations	5/30/2001	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.220 - Liquefied Cutback Asphalt Paving Restricted	8/30/1991	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.230 - Control of Emissions From Industrial Surface Coating Operations	11/24/1988	Yes	No	No	No	No	No*	Yes**	Yes, a comment was received that suggests clarifying and amending the rule language to be more consistent with the St. Louis area industrial surface coating rule.	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	

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10 CSR 10-2.260 - Control of Petroleum Liquid Storage, Loading and Transfer	4/30/2004	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.290 - Control of Emissions From Rotogravure and Flexographic Printing Facilities	2/6/1992	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.300 - Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products	12/12/1987	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.310 - Control of Emissions From the Application of Automotive Underbody Deadeners	11/23/1987	No*	Yes	No	No	Yes	N/A	Yes	No	*The Department plans to rescind this unnecessary rule.	
10 CSR 10-2.320 - Control of Emissions From Production of Pesticides and Herbicides	11/23/1987	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure	7/30/2013	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.340 - Control of Emissions From Lithographic Printing Facilities	8/30/2003	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.360 - Control of Emissions from Bakery Ovens	12/30/1995	No*	Yes	No	No	Yes	No	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP.	

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10 CSR 10-2.385 - Control of Heavy-Duty Diesel Vehicle Idling Emissions	7/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-2.390 - Kansas City Area Transportation Conformity Requirements	7/30/2007	No*	Yes	No	No	Yes	Yes	No	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP.	
10 CSR 10-3.160 - Restriction of Emission of Fluorides From Diammonium Phosphate Fertilizer Production	12/11/1978	No*	Yes	No	No	Yes	No	No	No	*The Department plans to rescind this unnecessary rule.	
10 CSR 10-5.040 - Control of Emissions From Hand-Fired Equipment	5/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to allow businesses to utilize waste for heat purposes without being required to obtain a construction permit under 10 CSR 10-6.060.	
10 CSR 10-5.120 - Information on Sales of Fuels to be Provided and Maintained	3/24/1967	No*	Yes	No	No	Yes	N/A	No	No	*The Department plans to rescind this unnecessary rule.	
10 CSR 10-5.130 - Certain Coals to be Washed	5/30/2012	No*	Yes	No	No	Yes	N/A	No	No	*The Department plans to rescind this unnecessary rule.	
10 CSR 10-5.170 - Control of Odors From Processing of Animal Matter	4/30/2003	Yes	No	Yes*	No	No	N/A	Yes**	No	*This rule overlaps with 10 CSR 10-6.165. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting the emission of excessive odorous matter.	
10 CSR 10-5.220 - Control of Petroleum Liquid Storage, Loading and Transfer	11/30/2014	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.295 - Control of Emissions From Aerospace Manufacture and Rework Facilities	2/29/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	

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Date of  
Adoption or  
Last  
Amendment

Number of Rules  
Reviewed

100

10 CSR 10-5.300 - Control of Emissions From Solvent Metal Cleaning	11/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.310 - Liquefied Cutback Asphalt Paving Restricted	3/11/1989	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.330 - Control of Emissions From Industrial Surface Coating Operations	8/30/2011	Yes	No	No	No	Yes*	No**	Yes***	No	*The Department plans to amend this rule to provide a less burdensome limit for a specialty coating operation. **The Department plans to update the incorporations by reference to comply with Section 536.031, RSMo. ***The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.340 - Control of Emissions From Rotogravure and Flexographic Printing	8/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.350 - Control of Emissions From Manufacture of Synthesized Pharmaceutical Products	3/11/1989	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.360 - Control of Emissions From Polyethylene Bag Sealing Operations	3/11/1989	No*	Yes	No	No	Yes	N/A	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP. Furthermore, uncertainty exists with respect to the federal Ozone NAAQS' designation and implementation, which may affect this state rule.
10 CSR 10-5.370 - Control of Emissions From the Application of Deadeners and Adhesives	3/11/1989	No*	Yes	No	No	Yes	N/A	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP. Furthermore, uncertainty exists with respect to the federal Ozone NAAQS' designation and implementation, which may affect this state rule.
10 CSR 10-5.381 - Onboard Diagnostics Motor Vehicle Emissions Inspection	12/30/2012	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with the SIP. The Department is evaluating future plans for maintenance and attainment of the Ozone NAAQS.
10 CSR 10-5.385 - Control of Heavy-Duty Diesel Vehicle Idling Emissions	7/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by ensuring vehicles do not emit excess NOx. This rule also contributes to attainment of the Ozone NAAQS under the SIP.

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10 CSR 10-5.390 - Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products	8/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.410 - Control of Emissions From Manufacture of Polystyrene Resin	3/11/1989	No*	Yes	No	No	Yes	N/A	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP. Furthermore, uncertainty exists with respect to the federal Ozone NAAQS' designation and implementation, which may affect this state rule.	
10 CSR 10-5.420 - Control of Equipment Leaks From Synthetic Organic Chemical and Polymer Manufacturing Plants	3/11/1989	No*	Yes	No	No	Yes	No	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP. Furthermore, uncertainty exists with respect to the federal Ozone NAAQS' designation and implementation, which may affect this state rule.	
10 CSR 10-5.440 - Control of Emissions From Bakery Ovens	12/30/1996	No*	Yes	No	No	Yes	No	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP. Furthermore, uncertainty exists with respect to the federal Ozone NAAQS' designation and implementation, which may affect this state rule.	
10 CSR 10-5.442 - Control of Emissions from Lithographic and Letterpress Printing Operations	8/30/2011	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.450 - Control of VOC Emissions from Traffic Coatings	5/28/1995	No*	Yes	Yes	Yes	Yes	No	Yes	No	*The Department plans to rescind this unnecessary rule.	
10 CSR 10-5.451 - Control of Emissions from Aluminum Foil Rolling	9/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	

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10 CSR 10-5.455 - Control of Emissions From Industrial Solvent Cleaning Operations	5/30/2012	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.480 - St. Louis Area Transportation Conformity Requirements	2/28/2011	Yes	No	No	No	No	Yes	No	No		
10 CSR 10-5.490 - Municipal Solid Waste Landfills	5/30/2012	Yes	No	No	No	Yes*	Yes	Yes**	No	*This rule needs amendment to eliminate regulatory confusion by updating standards to match federal regulations. **The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.	
10 CSR 10-5.500 - Control of Emissions From Volatile Organic Liquid Storage	2/29/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive nonmethane organic compound emissions. Further, this rule is necessary to ensure compliance with Section 111(d) of the Clean Air Act (CAA).	
10 CSR 10-5.510 - Control of Emissions of Nitrogen Oxides	5/30/2006	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.520 - Control of Volatile Organic Compound Emissions From Existing Major Sources	2/29/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	

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10 CSR 10-5.530 - Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations	2/29/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also ensures attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.540 - Control of Emissions From Batch Process Operations	2/29/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.	
10 CSR 10-5.550 - Control of VOC Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Mfg. Industry	2/29/2000	No*	Yes	No	No	Yes	No	Yes	No	*The Department believes that this rule is unnecessary but is examining the impact that a rescission would have upon the SIP. Furthermore, uncertainty exists with respect to the federal Ozone NAAQS' designation and implementation, which may affect this state rule.	
10 CSR 10-5.570 - Control of Sulfur Emissions From Stationary Boilers	10/30/2013	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary as it contributes to attainment of the PM2.5 NAAQS under the SIP.	
10 CSR 10-6.010 - Ambient Air Quality Standards	7/30/2014	Yes	No	Yes*	No	No	N/A	Yes**	No	*This rule overlaps with some of the federal NAAQS. **The continued existence of this rule is necessary for attainment of the NAAQS.	
10 CSR 10-6.020 - Definitions and Common Reference Tables	3/30/2014	Yes	No	No	Yes*	Yes *	Yes	Yes**	No	*The Department is currently evaluating necessary amendments to this rule resulting from other proposed rule rescissions. **This rule assists small businesses in defining terms and identifying common references.	
10 CSR 10-6.030 - Sampling Methods for Air Pollution Sources	2/28/2006	Yes	No	Yes*	No	No	No**	Yes***	No	*This rule is duplicative of some federal sampling methods. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ***This rule assists small businesses in determining acceptable sampling methods.	

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10 CSR 10-6.040 - Reference Methods	11/30/2014	Yes	No	Yes*	No	No	No	No**	Yes***	No	*This rule is duplicative of some federal sampling methods. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ***This rule assists small businesses in determining acceptable sampling methods.	
10 CSR 10-6.045 - Open Burning Requirements	9/30/2009	Yes	No	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting certain open burning of refuse and combustible materials.	
10 CSR 10-6.050 - Start-Up, Shutdown, and Malfunction Conditions	7/30/2010	Yes	No	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure an interactive process between regulated entities and the Department when an excess emission event occurs.	
10 CSR 10-6.060 - Construction Permits Required	3/30/2016	Yes	No	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with the new source review requirements in the CAA and with the SIP.	
10 CSR 10-6.061 - Construction Permit Exemptions	5/30/2009	Yes	No	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to exempt certain facilities and projects from the construction permit requirements in 10 CSR 10-6.060.	
10 CSR 10-6.062 - Construction Permits By Rule	5/30/2007	Yes	No	No	No	No	No	N/A	Yes*	Yes, a comment was received that suggests adding a permit-by-rule for certain boilers and process heaters fueled exclusively by natural gas and/or liquefied petroleum gas.	*The continued existence of this rule is necessary to provide a less burdensome permitting process when certain conditions are met.	
10 CSR 10-6.065 - Operating Permits	3/30/2016	Yes	No	No	Perhaps*	Perhaps*	Yes	Yes	Yes**	No	*The Department is currently evaluating the state operating permit program for potential streamlining and reductions in regulatory burdens. **The continued existence of this rule is currently necessary to ensure the Department maintains the State's Operating Permit Program in accordance with Title V of the CAA.	
10 CSR 10-6.070 - New Source Performance Regulations	12/30/2013	Yes	No	Yes*	No	No	Yes	Yes	Yes**	No	*This rule is duplicative of the federal New Source Performance Standards. **The continued existence of this rule is necessary to maintain the Department's authority to implement and enforce these federal regulations. This rule does not add additional burden.	

# Missouri Department of Natural Resources Rule Review

2016

## Air Pollution Control

										Comments received?	Department Comments
	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.				
	Date of Adoption or Last Amendment										
	Number of Rules Reviewed										
100											
10 CSR 10-6.075 - Maximum Achievable Control Technology Regulations	Most recent amendment will take effect on 7/30/2017	Yes	No	Yes*	No	No	Yes	Yes**	No	*This rule is duplicative of the federal Maximum Achievable Control Technology Regulations. **The continued existence of this rule is necessary to maintain the Department's authority to implement and enforce these federal regulations. This rule does not add additional burden.	
10 CSR 10-6.080 - Emission Standards for Hazardous Air Pollutants	Most recent amendment will take effect on 7/30/2017	Yes	No	Yes*	No	No	Yes	Yes**	No	*This rule is duplicative of the federal Emission Standards for Hazardous Air Pollutants. **The continued existence of this rule is necessary to maintain the Department's authority to implement and enforce these federal regulations. This rule does not add additional burden.	
10 CSR 10-6.090 - Restriction of Emission of Fluorides From Primary Aluminum Reduction Installations	8/13/1981	Yes	No	No	No	No	N/A	No	No		
10 CSR 10-6.100 - Alternate Emission Limits	7/30/2009	No*	Yes	Yes	No	Yes	N/A	Yes	No	*The Department plans to rescind this unnecessary rule.	
10 CSR 10-6.110 - Reporting Emission Data, Emission Fees, and Process Information	3/30/2015	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure emissions are reported and appropriate fees are collected pursuant to Section 643.079, RSMo.	
10 CSR 10-6.120 - Restriction of Emissions From Specific Lead Smelter-Refinery Installations	9/30/2009	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure public health protections against harmful lead emissions.	
10 CSR 10-6.130 - Controlling Emissions During Episodes of High Air Pollution Potential	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure an alert system and associated procedures when air pollution is at dangerous levels.	
10 CSR 10-6.140 - Restriction of Emissions Credit for Reduced Pollutant Concentrations From the Use of Dispersion Techniques	5/11/1986	Yes	No	Yes*	No	No	N/A	Yes*	No	*This rule is duplicative of some federal regulations found at 40 CFR 51. *The continued existence of this rule is necessary to ensure compliance with the SIP.	
10 CSR 10-6.150 - Circumvention	11/30/1990	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure emission controls are not circumvented.	

# Missouri Department of Natural Resources Rule Review

2016

## Air Pollution Control

										Comments received?	Department Comments
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	Date of Adoption or Last Amendment										
	Number of Rules Reviewed										
100											
10 CSR 10-6.161 - Commercial and Industrial Solid Waste Incinerators	3/30/2014	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.	
10 CSR 10-6.165 - Restriction of Emission of Odors	9/30/2014	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting the emission of excessive odorous matter.	
10 CSR 10-6.170 - Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin	8/30/1998	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting the emission of fugitive particulate matter.	
10 CSR 10-6.180 - Measurement of Emissions of Air Contaminants	12/31/1990	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure that tests measuring air emissions can be performed upon the Department's request.	
10 CSR 10-6.191 - Sewage Sludge Incinerators	5/30/2013	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.	
10 CSR 10-6.200 - Hospital, Medical, Infectious Waste Incinerators	7/30/2014	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.	
10 CSR 10-6.210 - Confidential Information	12/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure regulated entities and the Department have procedures in place to comply with Section 643.050.5, RSMo. This rule protects the confidential information of small businesses.	
10 CSR 10-6.220 - Restriction of Emission of Visible Air Contaminants	12/30/2016	Yes	No	No	No	Yes*	No**	Yes***	No	*The Department is currently evaluating a potential exemption from this rule for certain sources that comply with other regulatory requirements that accomplish the same purpose. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ***The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excess visible air contaminant emissions.	
10 CSR 10-6.230 - Administrative Penalties	11/30/1999	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure regulated entities and the Department have procedures in place to comply with Section 643.085, RSMo.	

# Missouri Department of Natural Resources Rule Review

2016

## Air Pollution Control

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	Date of Adoption or Last Amendment	Number of Rules Reviewed	100								
10 CSR 10-6.241 - Asbestos Projects-Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements	2/29/2016	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by ensuring that the Department is aware of certain asbestos abatement projects and demolitions and that there are procedures in place requiring asbestos inspections.	
10 CSR 10-6.250 - Asbestos Projects-Certification, Accreditation and Business Exemption Requirements	2/29/2016	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by ensuring that the individuals working on asbestos projects are trained and certified.	
10 CSR 10-6.261 - Control of Sulfur Dioxide Emissions	11/30/2015	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by establishing requirements for sources of sulfur dioxide in order to ensure compliance with the NAAQS.	
10 CSR 10-6.270 - Acid Rain Source Permits Required	8/30/1999	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to ensure compliance with the federal Acid Rain Program.	
10 CSR 10-6.280 - Compliance Monitoring Usage	3/30/2002	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure that regulated entities may use certain alternate compliance certification methods in accordance with the CAA.	
10 CSR 10-6.300 - Conformity of General Federal Actions to State Implementation Plans	8/30/2011	Yes	No	No	No	No	N/A	No	No		
10 CSR 10-6.310 - Restriction of Emissions from Municipal Solid Waste Landfills	5/30/2012	Yes	No	Yes*	No	Yes**	Yes	Yes***	No	*This rule overlaps with 40 CFR 62, Subpart GGG. **This rule needs amendment to eliminate regulatory confusion by updating standards to match federal regulations. ***The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.	
10 CSR 10-6.330 - Restriction of Emissions From Batch-Type Charcoal Kilns	7/30/1998	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive emissions from charcoal kilns. This rule also ensures compliance with Missouri's Regional Haze Plan.	

# Missouri Department of Natural Resources Rule Review

2016

## Air Pollution Control

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	Date of Adoption or Last Amendment	Number of Rules Reviewed	100						
10 CSR 10-6.350 - Emission Limitations and Emissions Trading of Oxides of Nitrogen	7/30/2009	No*	Yes	Yes	Yes	Yes	N/A	No	*The Department plans to rescind this unnecessary rule.
10 CSR 10-6.360 - Control of NOx Emissions From Electric Generating Units and Non-Electric Generating Boilers	7/30/2009	No*	Yes	Yes	Yes	Yes	N/A	No	*The Department plans to rescind this unnecessary rule.
10 CSR 10-6.362 - Clean Air Interstate Rule Annual NOx Trading Program	2/28/2010	No*	Yes	Yes	Yes	Yes	N/A	No	*The Department plans to rescind this unnecessary rule.
10 CSR 10-6.364 - Clean Air Interstate Rule Seasonal NOx Trading Program	2/28/2010	No*	Yes	Yes	Yes	Yes	N/A	No	*The Department plans to rescind this unnecessary rule.
10 CSR 10-6.366 - Clean Air Interstate Rule SO2 Trading Program	2/28/2010	No*	Yes	Yes	Yes	Yes	N/A	No	*The Department plans to rescind this unnecessary rule.
10 CSR 10-6.372 - Cross-State Air Pollution Rule Annual NOx Trading Allowance Allocations	12/30/2015	Yes	No	No	No	No*	Yes	No	*The Department is examining the allocation rules related to the Cross State Air Pollution Rule to determine if amendments are needed to reallocate trading allowances.
10 CSR 10-6.374 - Cross-State Air Pollution Rule Ozone Season NOx Trading Allowance Allocations	12/30/2015	Yes	No	No	No	No*	Yes	No	*The Department is examining the allocation rules related to the Cross State Air Pollution Rule to determine if amendments are needed to reallocate trading allowances.
10 CSR 10-6.376 - Cross-State Air Pollution Rule Annual SO2 Trading Allowance Allocations	12/30/2015	Yes	No	No	No	No*	Yes	No	*The Department is examining the allocation rules related to the Cross State Air Pollution Rule to determine if amendments are needed to reallocate trading allowances.
10 CSR 10-6.380 - Control of NOx Emissions From Portland Cement Kilns	10/30/2005	Yes	No	No	No	No	No*	Yes**	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also ensures compliance with the SIP.

# Missouri Department of Natural Resources Rule Review

2016

## Air Pollution Control

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Date of  
Adoption or  
Last  
Amendment

Number of Rules  
Reviewed

100

10 CSR 10-6.390 - Control of NOx Emissions From Large Stationary Internal Combustion Engines

10/30/2013

Yes

No

No

No

No

No\*

Yes\*\*

No

\*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.  
\*\*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also ensures compliance with the SIP.

10 CSR 10-6.400 - Restriction of Emission of Particulate Matter From Industrial Processes

10/30/2013

Yes

No

No

No

No

N/A

Yes\*

No

\*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive particulate matter emissions. This rule also ensures compliance with the SIP.

10 CSR 10-6.405 - Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating

10/30/2011

Yes

No

No

No

No

N/A

Yes\*

No

\*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive particulate matter emissions. This rule also ensures compliance with the SIP.

10 CSR 10-6.410 - Emissions Banking and Trading

9/30/2012

Yes

No

No

No

No

No\*

Yes\*\*

No

\*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.  
\*\*The continued existence of this rule is necessary because it provides businesses a mechanism to acquire offsets for economic development in accordance with Section 643.220, RSMo.

# Missouri Department of Natural Resources Rule Review

2016

## Water Protection Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Water Protection Program							Comments received?	Department Comments	
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.			
71	10 CSR 20-1.010 - Organization and Powers	7/11/1980	No	Yes	Yes	No	No	N/A	No	No	The rule conflicts with state statute. The number of commissioners is incorrect, and one of the regional offices no longer exists.
	10 CSR 20-1.020 - Clean Water Commission Appeals and Requests for Hearings	12/30/2006	No	Yes	Yes	No	No	N/A	Yes	No	This rule will be amended to make it consistent with section 621.250. The rule, as do all rules in 10 CSR 20, may affect small business but are necessary to protect public health and the environment.
	10 CSR 20-2.010 - Definitions	7/30/1996	Yes	No	Yes	No	No	No	No	No	Definitions require updating to conform to statute. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
	10 CSR 20-3.010 - Penalty Assessment Protocol	3/30/2000	Yes	No	No	No	No	No	Yes	No	
	10 CSR 20-4.010 - Construction Grant and Loan Priority System	1/2/2009	Yes	No	No	No	Yes	No	No	No	Amendments may be required to update this rule. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
	10 CSR 20-4.020 - State Match Grant Program	4/15/1989	No	Yes	No	No	Yes	N/A	No	No	Rescission in process to remove obsolete rule.
	10 CSR 20-4.021 - State Construction Grant Program	10/1/1988	No	Yes	No	No	Yes	N/A	No	No	Rescission in process to remove obsolete rule.
	10 CSR 20-4.022 - Industrial Development Program	10/1/1988	No	Yes	No	No	Yes	N/A	No	No	Rescission in process to remove obsolete rule.
	10 CSR 20-4.023 - State Forty Percent Construction Grant Program	10/30/2007	Yes	No	No	No	No	N/A	No	No	
	10 CSR 20-4.030 - Grants for Sewer Districts and Certain Small Municipal Sewer Systems	10/30/2007	Yes	No	No	No	No	N/A	No	No	
	10 CSR 20-4.040 - State Revolving Fund General Assistance Regulations	2/28/2010	Yes	No	No	No	Yes	No	No	No	Amendment in process. Rule will be updated to incorporate material by reference.
	10 CSR 20-4.041 - Direct Loan Program	3/30/2000	Yes	No	No	No	Yes	N/A	No	No	Amendment in process. Rule will be updated.
	10 CSR 20-4.042 - Leveraged Loan Program	11/30/1994	Yes	No	No	No	Yes	N/A	No	No	Amendment in process. Rule will be updated.

# Missouri Department of Natural Resources Rule Review

2016

## Water Protection Program

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71	10 CSR 20-4.043 - Hardship Grant Program	11/30/2000	No	Yes	No	No	Yes	No	No	Rescission in process.
	10 CSR 20-4.049 - State Match to State Revolving Fund Loan Program	2/16/1992	No	Yes	No	No	Yes	N/A	No	Rescission in process.
	10 CSR 20-4.050 - Environmental Review	2/14/1989	Yes	No	No	No	Yes	N/A	No	Amendment in process. Rule will be updated.
	10 CSR 20-4.060 - Storm Water Assistance Regulation	7/30/1996	No	Yes	No	No	Yes	N/A	No	Rescission in process.
	10 CSR 20-4.061 - Stormwater Grant and Loan Regulation	12/30/2009	Yes	No	No	No	No	N/A	No	
	10 CSR 20-4.070 - Sales Tax Exemption	7/30/1998	No	Yes	No	No	Yes	N/A	No	Rescission in process.
	10 CSR 20-6.010 - Construction and Operating Permits	4/30/2012	Yes	Yes	No	Yes	No	No	Yes	No
	10 CSR 20-6.011 - Fees	5/30/2014	Yes	No	No	No	No	N/A	Yes	No
	10 CSR 20-6.015 - No-Discharge Permits	7/30/1998	Yes	Yes	No	No	No	No	Yes	No
	10 CSR 20-6.020 - Public Participation, Hearings and Notice to Governmental Agencies	3/30/1999	Yes	Yes	No	Yes	Yes	Yes	Yes	No
	10 CSR 20-6.030 - Disposal of Wastewater in Residential Housing Developments	3/30/1999	Yes	Yes	No	No	Yes	No	Yes	No
	10 CSR 20-6.060 - Water Quality Certification	7/30/2001	Yes	Yes	No	No	No	No	Yes	No
	10 CSR 20-6.070 - Groundwater Heat Pump Operating Permits	11/30/1996	Yes	No	No	No	No	N/A	Yes	No

# Missouri Department of Natural Resources Rule Review

2016

## Water Protection Program

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71 10 CSR 20-6.080 - Signatures for Construction Permits, Operating Permits and Groundwater Heat Pump Injection/Withdrawal Wells	5/1/1981	Yes	Yes	Yes	No	No	N/A	Yes	No	The Department is evaluating a revision.
10 CSR 20-6.090 - Class III Mineral Resources Injection/Production Well Operating Permits	6/1/1984	Yes	Yes	Yes	No	No	No	Yes	No	The rule should be revised to address Class III and Class V injection wells. Materials are not properly incorporated by reference. The Department is reviewing and will develop an appropriate means of incorporating materials by reference.
10 CSR 20-6.100 - General Pretreatment Regulation	10/30/2012	Yes	No	No	No	No	No	Yes	Yes	Materials are not properly incorporated by reference. The Department is reviewing and will develop an appropriate means of incorporating materials by reference. A comment was received in August 2016 and continues to be evaluated.
10 CSR 20-6.200 - Stormwater Regulations	10/30/2009	Yes	Yes	No	No	Yes	No	Yes	No	This rule may be revised following revision of the corresponding federal rule. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-6.300 - Concentrated Animal Feeding Operations	10/30/2016	Yes	No	No	No	No	No	Yes	No	Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-7.015 - Effluent Regulations	2/28/2014	Yes	No	No	No	No	No	Yes	No	Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-7.031 - Water Quality Standards	2/28/2014	Yes	Yes	Yes	No	No	No	Yes	No	The Water Quality Standards is being reviewed for amendment. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-7.050 - Methodology for Development of Impaired Waters List	9/2/2009	Yes	No	No	No	No	Yes	Yes	No	
10 CSR 20-8.020 - Design of Small Sewage Works	4/15/1989	Yes	Yes	Yes	Yes	No	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.110 - Engineering - Reports, Plans and Specifications	6/30/2011	Yes	No	No	No	No	N/A	Yes	No	

# Missouri Department of Natural Resources Rule Review

2016

## Water Protection Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
71										
10 CSR 20-8.120 - Design of Gravity Sewers	2/29/2012	Yes	Yes	No	No	No	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.130 - Sewage Pumping Stations	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.140 - Sewage Treatment Works	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.150 - Screening, Grit Removal and Flow Equalization	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.160 - Settling	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.170 - Sludge Handling and Disposal	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.180 - Biological Treatment	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.190 - Disinfection	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.200 - Wastewater Treatment Pond Lagoons	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
10 CSR 20-8.210 - Supplemental Treatment Processes	3/11/1979	Yes	Yes	No	No	Yes	No	Yes	No	Some provisions of this rule require updating and revisions. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.

# Missouri Department of Natural Resources Rule Review

2016

## Water Protection Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Water Protection Program							Comments received?	Department Comments	
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.			
71	10 CSR 20-8.220 - Land Treatment	3/11/1979	No	Yes	No	No	Yes	No	Yes	No	This rule may be rescinded, with some conditions moved to 10 CSR 20-8.200. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
	10 CSR 20-8.300 - Manure Storage Design Regulations	12/31/2016	Yes	No	No	No	No	No	Yes	No	Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
	10 CSR 20-8.500 - Design Requirements for Agrichemical Facilities	4/30/2017	Yes	No	No	No	No	No	Yes	No	Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
	10 CSR 20-9.010 - Wastewater Treatment Systems Operation Scope Monitoring	7/30/1998	Yes	Yes	No	No	Yes	No	Yes	No	The Department is evaluating this rule for amendment. Some materials are not properly incorporated by reference. The Department is reviewing to develop a means to properly incorporate necessary references.
	10 CSR 20-9.020 - Classification of Wastewater Treatment Systems	3/1/1992	Yes	Yes	No	No	Yes	N/A	Yes	No	The Department is evaluating this rule for amendment.
	10 CSR 20-9.030 - Certification of Wastewater Operators	3/1/1992	Yes	Yes	No	No	No	N/A	Yes	No	The Department is evaluating this rule for amendment.
	10 CSR 20-9.040 - Renewal Training	3/1/1992	Yes	Yes	No	No	Yes	N/A	Yes	No	The Department is evaluating this rule for amendment.
	10 CSR 20-14.010 - Classification of Concentrated Animal Feeding Operation Waste Management Systems	7/30/2001	Yes	No	No	No	No	N/A	Yes	No	
	10 CSR 20-14.020 - Certification of Concentrated Animal Feeding Operation Waste Management System Operators	7/30/2001	Yes	No	Yes	No	No	N/A	Yes	No	The part of the rule providing for an appeal may now be in conflict with section 621.250. Will be evaluated further for possible amendment.
	10 CSR 20-14.030 - Operator Training	7/30/2001	Yes	Yes	No	No	No	N/A	Yes	No	Given the passage of time, Drinking Water staff are currently reviewing the rule with internal stakeholders to obtain comments on if amendment is needed.

# Missouri Department of Natural Resources Rule Review

2016

## Dam and Reservoir Safety Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Criteria							Comments received?	Department comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
19										
10 CSR 22-1.010 - General Organization	8/13/1981	Yes*	No	No	No	No	N/A	No	No	*Dam Safety rules are necessary to ensure Missouri dams are constructed and maintained so as to protect public safety.
10 CSR 22-1.020 - Definitions	5/9/1994	Yes	No	No	No	No	N/A	No	No	
10 CSR 22-1.030 - Immunity of Officers	8/13/1981	No*	No	No	No	No	N/A	No	No	*This rule is not necessary because it repeats immunity from liability that is already described in statute.
10 CSR 22-2.010 - Who Needs a Permit	5/9/1994	Yes	No	No	No	No	N/A	No	No	
10 CSR 22-2.020 - Types of Permits	9/15/1987	Yes	No	No	No	No	N/A	No	No	
10 CSR 22-2.030 - Types of Dams and Reservoirs	1/1/1985	Yes	No	No	No	No	N/A	No	No	
10 CSR 22-2.040 - Classes of Downstream Environment	1/1/1985	Yes	No	No	No	No	N/A	No	No	
10 CSR 22-2.050 - Issuing First Permit	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-2.060 - Issuing Permit Renewals	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-2.080 - Revoking Permit	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-2.090 - Transferring Permit	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-2.100 - Appeal of Action on Permits	1/1/1985	Yes	No	No	*Yes	No	N/A	Yes*	No	*The Department plans to update the appeal provisions of this rule. *If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-3.010 - General Information	8/13/1981	Yes	No	No	No	No	N/A	No	No	

# Missouri Department of Natural Resources Rule Review

2016

## Dam and Reservoir Safety Program

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10 CSR 22-3.020 - General Requirements	11/30/1990	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-3.030 - Registration Permit Requirements	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-3.040 - Construction Permit Requirements	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-3.050 - Safety Permit Requirements	1/1/1985	Yes	No	*Yes	No	No	N/A	Yes*	No	*Subsection 3 regarding right of entry may be in conflict with Section 236.425, RSMo. The Department intends to amend the rule. *If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-4.010 - Emergency Action	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.
10 CSR 22-4.020 - Enforcement Orders and Enforcement Procedures	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*If a small business happens to own a dam in excess of 35 feet, that business may be subject to the same law and rules as all other non exempt dam owners.

# Missouri Department of Natural Resources Rule Review

2016

## Wellhead Protection

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	1	2	3	4	5	6	7	Comments received?	Department comments
47										
10 CSR 23-1.010 - Definitions	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to define terms used in the Water Well Drillers Law.
10 CSR 23-1.020 - Application to All Wells	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to explain the application of the Water Well Drillers Law.
10 CSR 23-1.030 - Types of Wells	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to describe the types of wells regulated by the Water Well Drillers Law.
10 CSR 23-1.040 - Modification by the Division	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure a procedure exists for how the Department may modify the application of the Water Well Drillers Law when strict applicability presents difficulties.
10 CSR 23-1.050 - Qualifications	4/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by requiring individuals drilling wells to be trained and permitted by the Department.
10 CSR 23-1.060 - Application for a Permit	2/28/2009	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure a procedure exists for permit applicants.
10 CSR 23-1.075 - Disciplinary Action and Appeals Procedures	8/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure a procedure exists for appeals and disciplinary actions.
10 CSR 23-1.080 - Denial of Application	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to provide criteria under which the Department may deny a permit.
10 CSR 23-1.090 - Permit Requirement	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by requiring individuals drilling wells to be permitted by the Department.
10 CSR 23-1.105 - Permit Renewal	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure a procedure exists for the renewal of a permit.
10 CSR 23-1.130 - Reinstatement	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure a procedure exists for reinstating a permit.
10 CSR 23-1.140 - Placement of Permit Number	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure that the public can easily identify permitted well drillers in accordance with Section 256.617, RSMo.
10 CSR 23-1.155 - Well Drilling and Pump Installation Machine Registration	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure that drill rigs and installation machines are registered with the Department in accordance with Sections 256.617 and 256.623, RSMo.
10 CSR 23-1.160 - Mail and Notification Procedures	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure that the Department has a valid and current address for permittees.
10 CSR 23-2.010 - Fee Structure	1/30/2009	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure a fee structure that is reasonable and necessary in accordance with Section 256.623, RSMo.

# Missouri Department of Natural Resources Rule Review

2016

## Wellhead Protection

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Number of Rules Reviewed	Date of Adoption or Last Amendment	1	2	3	4	5	6	7	Comments received?	Department comments
10 CSR 23-3.010 - Location of Wells	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by setting criteria for the location of wells.
10 CSR 23-3.020 - General Protection of Groundwater Quality and Resources	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the general protection of groundwater resources.
10 CSR 23-3.025 - Public Water Supply—Notification to Division	1/29/1995	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by establishing requirements for public water suppliers when abandoning a well in order to connect a structure to a public water supply system.
10 CSR 23-3.030 - Standards for Construction of Wells	6/30/1996	Yes	No	No	No	No	*No	Yes*	No	*The Department plans to update the incorporations by reference to comply with Section 536.031, RSMo. *This rule is necessary to protect groundwater resources by establishing minimum construction standards for a properly constructed well.
10 CSR 23-3.040 - Well Casing Seals and Connections	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by establishing standards for well casings and connections.
10 CSR 23-3.050 - Pump Installation	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by establishing standards for the proper installation of well pumps.
10 CSR 23-3.060 - Certification and Registration Reports	10/30/2005	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by establishing procedures for certification and registration of wells.
10 CSR 23-3.070 - Plastic Well Casing	6/30/1996	Yes	No	No	No	No	No	Yes*	No	*The Department plans to update the incorporations by reference to comply with Section 536.031, RSMo. *This rule is necessary to protect groundwater resources by establishing special standards for the use of plastic casing.
10 CSR 23-3.080 - Liners	6/30/1996	Yes	No	No	No	No	No	Yes*	No	*The Department plans to update the incorporations by reference to comply with Section 536.031, RSMo. *This rule is necessary to protect groundwater resources by establishing standards for the use of liners.
10 CSR 23-3.090 - Regionalization	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by establishing specific construction standards for wells drilled in specific parts of the state where geological conditions vary.
10 CSR 23-3.100 - Sensitive Areas	8/30/2007	Yes	No	No	No	No	*No	Yes*	No	*The Department plans to update the incorporations by reference to comply with Section 536.031, RSMo. *This rule is necessary to protect groundwater resources by establishing specific construction standards for sensitive areas.
10 CSR 23-3.110 - Plugging of Wells	1/29/1995	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring abandoned wells are properly plugged.

# Missouri Department of Natural Resources Rule Review

2016

## Wellhead Protection

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10 CSR 23-4.010 - Definitions	7/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to define terms used in Chapter 4 concerning monitoring wells.
10 CSR 23-4.020 - Certification and Registration for Monitoring Wells	7/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that monitoring wells are certified and registered with the Department.
10 CSR 23-4.030 - Location of Wells	7/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by setting criteria for the location of monitoring wells.
10 CSR 23-4.050 - General Protection of Groundwater Quality and Resources	7/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by preventing the use of monitoring wells for improper purposes.
10 CSR 23-4.060 - Construction Standards for Monitoring Wells	7/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that monitoring wells are constructed to minimum standards.
10 CSR 23-4.080 - Plugging of Monitoring Wells	7/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that monitoring wells are properly plugged.
10 CSR 23-5.010 - Definitions	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to define terms used in Chapter 5 concerning heat pump wells.
10 CSR 23-5.020 - Certification and Registration of Heat Pump Systems	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that heat pump wells are certified and registered with the Department.
10 CSR 23-5.030 - General Protection of Groundwater Quality and Resources	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by preventing the use of heat pump wells for improper purposes.
10 CSR 23-5.040 - Location of Heat Pump Wells	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by setting criteria for the location of heat pump wells.
10 CSR 23-5.050 - Construction Standards for Closed-Loop Heat Pump Wells	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by ensuring that closed-loop heat pump wells are constructed to minimum standards.
10 CSR 23-5.060 - Construction Standards for Open-Loop Heat Pump Systems That Use Groundwater	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by ensuring that open-loop heat pump wells are constructed to minimum standards.
10 CSR 23-5.070 - Closed-Loop Heat Pump Systems That Use Refrigerants as the Heat Transfer Fluid	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the protection of groundwater resources by ensuring that closed-loop heat pump wells are constructed to minimum standards.

# Missouri Department of Natural Resources Rule Review

2016

## Wellhead Protection

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10 CSR 23-5.080 - Plugging of Heat Pump Wells	12/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that heat pump wells are properly plugged.
10 CSR 23-6.010 - Definitions	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to define terms used in Chapter 6 concerning test wells.
10 CSR 23-6.020 - General Protection of Groundwater Quality and Resources	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that test holes are drilled for the intended purposes and that converted test holes meet applicable construction standards for wells.
10 CSR 23-6.030 - Location of Test Holes	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by setting criteria for the location of test holes.
10 CSR 23-6.040 - Construction Standards for Test Holes	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that test holes are constructed to minimum standards.
10 CSR 23-6.050 - Plugging of Test Holes	6/30/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect groundwater resources by ensuring that test holes are properly plugged.
10 CSR 23-6.060 - Confidentiality of Registration Report Form	3/10/1994	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect information identifying a test hole or monitoring well drilled for the exploration of minerals in accordance with Section 256.615, RSMo.

# Missouri Department of Natural Resources Rule Review

2016

## Hazardous Substance Emergency Response Office

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Date of  
Adoption or  
Last  
Amendment

Number of Rules  
Reviewed

3

10 CSR 24-1.010 - General Organization	2/28/1997	Yes	No	No	Yes*	No	N/A	No	No	*The rule describes the general organization and role of the Department's Environmental Services Program and imposes no requirements upon the public. Portions of this rule may be required by § 536.023, RSMo, but other portions could be removed without adversely impacting the public or the environment.	
10 CSR 24-2.010 - Definitions	1/29/1995	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is administrative in nature and provides important definitions for terms relating to hazardous substance emergencies. This protects public health by providing clear criteria about the types of releases of materials constitute an emergency and which do not.
10 CSR 24-3.010 - Emergency Notification Procedures	2/28/1997	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The rule protects the public by requiring that persons having control over hazardous substance emergencies provide the Department with information on the material released and the risks to public health and the environment.

# Missouri Department of Natural Resources Rule Review

**2016**

## **Hazardous Waste Program**

	<b>1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?</b>	<b>2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?</b>	<b>3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?</b>	<b>4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?</b>	<b>5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?</b>	<b>6 - Does this rule properly incorporate material by reference?</b>	<b>7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.</b>	<b>Comments received?</b>	<b>Department comments</b>
<b>Number of Rules Reviewed</b>	<b>Date of Adoption or Last Amendment</b>								
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<b>10 CSR 25-1.010 - Organization</b>	10/30/2001	Yes	No	No	No	N/A	No	No	
<b>10 CSR 25-2.010 - Voting Procedures</b>	12/31/1990	Yes	No	No	No	N/A	Yes*	No	*This rule furthers the public interest by requiring commissioners disclose conflicts of interests prior to any votes.
<b>10 CSR 25-2.020 - Appeals and Requests for Hearings</b>	12/30/2007	Yes	No	No	No	N/A	Yes*	No	*This rule provides the process for the Hazardous Waste Commission to review recommended decisions of the AHC and render a final decision.
<b>10 CSR 25-3.260 - Definitions, Modifications to Incorporations and Confidential Business Information</b>	12/30/2015	Yes	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
<b>10 CSR 25-4.261 - Methods for Identifying Hazardous Waste</b>	12/30/2015	Yes	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
<b>10 CSR 25-5.262 - Standards Applicable to Generators of Hazardous Waste</b>	12/30/2015	Yes	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
<b>10 CSR 25-6.263 - Standards for Transporters of Hazardous Waste</b>	12/30/2015	Yes	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
<b>10 CSR 25-7.264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities</b>	12/30/2015	Yes	No	No	No	No	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
<b>10 CSR 25-7.265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities</b>	12/30/2015	Yes	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
<b>10 CSR 25-7.266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities</b>	12/30/2015	Yes	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.

# Missouri Department of Natural Resources Rule Review

**2016**

## **Hazardous Waste Program**

	<b>Number of Rules Reviewed</b>	<b>Date of Adoption or Last Amendment</b>	<b>1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?</b>	<b>2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?</b>	<b>3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?</b>	<b>4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?</b>	<b>5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?</b>	<b>6 - Does this rule properly incorporate material by reference?</b>	<b>7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.</b>	<b>Comments received?</b>	<b>Department comments</b>	
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<b>10 CSR 25-7.268 - Land Disposal Restrictions</b>		12/30/2015	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.	
<b>10 CSR 25-7.270 - Missouri Administered Permit Programs: The Hazardous Waste Permit Program</b>		12/30/2015	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.	
<b>10 CSR 25-8.124 - Procedures for Decision Making</b>		12/30/2015	Yes	No	No	No	No	N/A	Yes*	No	*This rule describes the timeframes and other aspects related to the Department's decision-making process. Additionally, it describes the process for parties to challenge such decisions.	
<b>10 CSR 25-9.020 - Hazardous Waste Resource Recovery Processes</b>		12/30/2015	Yes	No	No	No	No	N/A	Yes*	No	*This rule exempts certain hazardous waste recycling activities from permitting requirements so long as environmental protections are in place.	
<b>10 CSR 25-10.010 - Abandoned or Uncontrolled Hazardous Waste Disposal Sites</b>		10/30/2001	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure public notification of abandoned and uncontrolled hazardous waste sites.	
<b>10 CSR 25-11.279 - Recycled Used Oil Management Standards</b>		12/30/2015	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to provide regulatory flexibility for the management of used oil while still protecting the public and the environment from improper handling/disposal.	
<b>10 CSR 25-12.010 - Fees and Taxes</b>		2/29/2016	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to implement statutory fees and cost recovery that are used to offset the Department's expenditures for operating the state program.	
<b>10 CSR 25-12.020 - Hazardous Waste Compliance Inspection Fees</b>		12/10/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to implement statutory fees and cost recovery that are used to offset the Department's expenditures for operating the state program.	
<b>10 CSR 25-13.010 - Polychlorinated Biphenyls</b>		12/30/2015	Yes*	No	No	No	No	Yes	No*	No	*There currently are no "PCB facilities" in Missouri, and the Department plans to review whether to maintain this rule.	
<b>10 CSR 25-14.010 - Administrative Penalty Assessment</b>		11/30/1999	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides transparency to the public and businesses for how the Department will assess administrative penalties when necessary.	
<b>10 CSR 25-15.010 - Hazardous Substance Environmental Remediation (Voluntary Cleanup Program)</b>		10/30/2001	Yes	No	No	No	No	N/A	No*	No	*This rule provides members of the public and businesses a voluntary process and framework for Department oversight of cleanups. These cleanups protect human health and the environment and enable the productive reuse of properties.	
<b>10 CSR 25-16.273 - Standards for Universal Waste Management</b>		12/30/2015	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to provide regulatory flexibility for the management of universal wastes (e.g. batteries) while still protecting the public from improper handling/disposal.	

# Missouri Department of Natural Resources Rule Review

**2016**

## **Hazardous Waste Program**

	<b>Number of Rules Reviewed</b>	<b>Date of Adoption or Last Amendment</b>	<b>1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?</b>	<b>2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?</b>	<b>3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?</b>	<b>4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?</b>	<b>5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?</b>	<b>6 - Does this rule properly incorporate material by reference?</b>	<b>7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.</b>	<b>Comments received?</b>	<b>Department comments</b>
	111										
<b>10 CSR 25-17.010 - Applicability</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.020 - Definitions</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.030 - Registration and Surcharges</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.040 - Reporting and Recordkeeping</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.050 - Reporting of Releases and Existing Contamination</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.060 - Site Prioritization and Completion</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.070 - Closure of Facilities</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.080 - Site Characterization and Corrective Action</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.090 - Application Procedures</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.100 - Participation and Eligibility for Funding</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.110 - Eligible Costs</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.120 - Payment of Deductible and Limits on Payments</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
<b>10 CSR 25-17.130 - Suspension of Collection of Surcharges; Reinstatement</b>		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.

# Missouri Department of Natural Resources Rule Review

2016

## Hazardous Waste Program

	Number of Rules Reviewed	Date of Adoption or Last Amendment	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
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10 CSR 25-17.140 - General Reimbursement Procedures		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
10 CSR 25-17.150 - Claims		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
10 CSR 25-17.160 - Notification of Abandoned Sites		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
10 CSR 25-17.170 - Violations of Dry Cleaning Remediation Laws		5/30/2006	No*	Yes*	No	No	Yes*	N/A	Yes	No	*The statutory authority for this program sunsets on August 28, 2017. The Department is wrapping up the program and will rescind the rules no longer authorized by statute.
10 CSR 25-18.010 - Risk-Based Corrective Action		10/31/2009	Yes	No	No	No	No	Yes	Yes*	No	*This rule authorizes and implements the usage of risk-based corrective action in Missouri. This type of cleanup ensures that environmental cleanups of property are cost effective but still protective of current and future uses.
10 CSR 25-19.010 - Electronics Scrap Management		4/30/2010	Yes*	No	No	No	No	No**	Yes***	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its statutory purpose. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ***This rule is necessary to implement the electronics scrap management program, which requires electronics manufacturers and retailers take steps to ensure consumers have opportunities to recycle old electronics. This ensures scrap electronics are recycled, to the extent possible, and otherwise are properly disposed such that they do not adversely impact human health or the environment.
10 CSR 26-1.010 - Organization		12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.010 - Applicability		5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.011 - Interim Prohibition for Deferred Underground Storage Tank Systems		5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.

# Missouri Department of Natural Resources Rule Review

**2016**

## **Hazardous Waste Program**

	<b>Number of Rules Reviewed</b>	<b>Date of Adoption or Last Amendment</b>	<b>1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?</b>	<b>2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?</b>	<b>3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?</b>	<b>4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?</b>	<b>5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?</b>	<b>6 - Does this rule properly incorporate material by reference?</b>	<b>7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.</b>	<b>Comments received?</b>	<b>Department comments</b>
	111										
<b>10 CSR 26-2.012 - Definitions</b>		5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.013 - UST Systems with Field Constructed Tanks and Airport Hydrant Fuel Distribution Systems</b>		5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	
<b>10 CSR 26-2.019 - New Installation Requirements</b>		5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.020 - Performance Standards for New Underground Storage Tank Systems</b>		5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.021 - Upgrading of Existing Underground Storage Tank Systems</b>		5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.022 - Notification Requirements</b>		5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.030 - Spill and Overfill Control</b>		5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.031 - Operation and Maintenance of Corrosion Protection</b>		5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
<b>10 CSR 26-2.032 - Compatibility</b>		5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.

# Missouri Department of Natural Resources Rule Review

**2016**

## **Hazardous Waste Program**

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10 CSR 26-2.033 - Repairs Allowed	5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.034 - Reporting and Record Keeping	5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.035 - Testing of Containment Sumps	5/30/2017	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-2.036 - General Requirements for Release Detection for All Underground Storage Tank Systems	5/30/2017	Yes	No	No	No	No	Yes	Yes	No	
10 CSR 26-2.040 General Requirements for Release Detection for All In-Use Underground Storage Tank Systems	5/30/2017	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-2.041 - Requirements for Petroleum Underground Storage Tank Systems	5/30/2017	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.042 - Requirements for Hazardous Substance Underground Storage Tank Systems	5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.043 - Methods of Release Detection for Tanks	5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.044 - Methods of Release Detection for Piping	5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.

# Missouri Department of Natural Resources Rule Review

2016

## Hazardous Waste Program

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111	5/30/2017	Yes	No	No	No*	No	*No	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.* The ATA Airport reference is not properly incorporated. The Department intends to evaluate and correct this incorporation.	
10 CSR 26-2.046 - Alternative Methods of Release Detection for Field Constructed Tanks	5/30/2017	Yes	No	No	No*	No	*No	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.* The ATA Airport reference is not properly incorporated. The Department intends to evaluate and correct this incorporation.	
10 CSR 26-2.047 -Alternative Methods of Release Detection for Bulk Underground Piping	5/30/2017	Yes	No	No	No*	No	*No	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.* The ATA Airport reference is not properly incorporated. The Department intends to evaluate and correct this incorporation.	
10 CSR 26-2.048 - Release Detection Record Keeping	5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.	
10 CSR 26-2.050 - Reporting of Suspected Releases	5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.	
10 CSR 26-2.051 - Investigation Due to Off-Site Impacts	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.	
10 CSR 26-2.052 - Release Investigation and Confirmation Steps	5/30/2017	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.	
10 CSR 26-2.053 - Reporting and Cleanup of Spills and Overfills	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.	
10 CSR 26-2.060 - Taking USTs Out of Use	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.	

# Missouri Department of Natural Resources Rule Review

**2016**

## **Hazardous Waste Program**

Number of Rules Reviewed	Date of Adoption or Last Amendment	Hazardous Waste Program							Comments received?	Department comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
10 CSR 26-2.061 - Permanent Closure and Changes in Service	12/30/2011	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.062 - Assessing the Site at Closure or Change in Service	2/28/2014	Yes	No	No	No*	No	Yes	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.063 - Applicability to Previously Closed Underground Storage Tank Systems	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.064 - Closure Records	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.070 - Release Response and Corrective Action	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.071 - Initial Release Response and Corrective Action	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.072 - Initial Abatement Measures and Investigation	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.
10 CSR 26-2.074 - Initial Site Characterization	12/30/2011	Yes	No	No	No*	No	N/A	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program.

# Missouri Department of Natural Resources Rule Review

2016

## Hazardous Waste Program

	Number of Rules Reviewed	Date of Adoption or Last Amendment	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
10 CSR 26-2.075 - Free-Product Removal	111	12/30/2011	Yes	No	No	No*	No	*No	Yes	No	*The Department has attempted to include language that is open to as many possibilities as allowed by federal regulations. Missouri regulations must be equivalent to federal regulations in order to receive approval for our tank program. * The reference to "applicable local, state, and federal regulations" is not a proper incorporation by reference. The Department intends to evaluate and correct this incorporation.
10 CSR 26-2.078 - Investigations for soil and groundwater cleanup		2/28/2014	Yes	No	No	No	No	Yes	Yes	No	
10 CSR 26-2.080 - Risk-Based Target Levels		12/30/2011	Yes	No*	No	Yes	No	**No	Yes	Yes***	*Although the one comment received on this rule suggested this rule could be rescinded because of outdated references to the old risk-based matrix for addressing petroleum contamination, the department determined there is a continuing need for the rule. **The reference to the "underground storage tank closure guidance document" is not a proper incorporation by reference. The Department intends to evaluate and correct this incorporation. ***One comment was received. The comment suggested that the rule should be rescinded because it references an older version of the department's risk-based system for addressing petroleum contamination.
10 CSR 26-2.082 - Corrective Action Plan		2/28/2014	Yes	No	No	No	No	Yes	Yes	No	
10 CSR 26-2.083 - Public Participation		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.090 - Applicability		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.092 - Definitions of Financial Responsibility Terms		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.093 - Amount and Scope of Required Financial Responsibility		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.094 - Allowable Mechanisms and Combinations of Mechanisms		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.095 - Financial Test of Self-Insurance		12/30/2011	No	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.096 - Guarantee		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.097 - Insurance and Risk Retention Group Coverage		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	

# Missouri Department of Natural Resources Rule Review

2016

## Hazardous Waste Program

	Number of Rules Reviewed	Date of Adoption or Last Amendment	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
	111										
10 CSR 26-3.098 - Surety Bond		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.099 - Letter of Credit		12/30/2011	Yes	No	No	No	No	*No	Yes	No	*The rule improperly incorporates a reference to a US Treasury Department circular. The Department intends to evaluate and correct this incorporation.
10 CSR 26-3.101 - Petroleum Storage Tank Insurance Fund		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.102 - Trust Fund		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.103 - Standby Trust Fund		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.104 - Substitution of Financial Assurance Mechanisms by Owner or Operator		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.105 - Cancellation or Nonrenewal by a Provider of Financial Assurance		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.106 - Reporting by Owner or Operator		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.107 - Record Keeping		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.108 - Drawing on Financial Assurance Mechanisms		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.109 - Release From the Requirements		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.110 - Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.111 - Replenishment of Guarantees, Letters of Credit, or Surety Bonds		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.112 - Local Government Bond Rating test		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	

# Missouri Department of Natural Resources Rule Review

2016

## Hazardous Waste Program

	Number of Rules Reviewed	Date of Adoption or Last Amendment	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
	111										
10 CSR 26-3.113 - Local Government Financial Test		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.114 - Local Government Guarantee		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-3.115 - Local Government Fund		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-4.080 - Administrative Penalty Assessment		12/30/2011	Yes	No	No	No	No	N/A	No	No	
10 CSR 26-5.010 - Applicability and Definitions		12/30/2011	Yes	No	No	No	No	N/A	Yes	No	
10 CSR 26-5.020 - Release Reporting and Initial Release Response Measures		12/30/2011	Yes	No	No	No	No	*No	Yes	No	*API Standard 650 is improperly incorporated by reference. The Department intends to evaluate and correct this incorporation.
10 CSR 26-5.030 - Site Characterization and Corrective Action		12/30/2011	Yes	No	No	No	No	No	Yes	No	

# Missouri Department of Natural Resources Rule Review

2016

## Land Reclamation Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Assessment Criteria							Comments received?	Department comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
104										
10 CSR 40-1.010 - Organization and Method of Operation	4/30/1995	Yes	No	No	No	No	N/A	No	No	
10 CSR 40-2.010 - Definitions	1/13/1979	No*	Yes	Yes	Yes	Yes**	No*	No	No	*All of Chapter 2 rules are no longer applicable because they are based on Missouri's Strip Mine Law (444.500-444.555) which was superseded by Missouri's Surface Coal Mining Law (444.800-444.940). The Department plans to rescind this unnecessary rule. **Recission of this unnecessary rule will reduce the number of pages in the Code of State Regulations.
10 CSR 40-2.020 - General Obligations for Permits, Maps, Signs and Markers	1/13/1979	No*	Yes	Yes	Yes	Yes**	N/A	No	No	*All of Chapter 2 rules are no longer applicable because they are based on Missouri's Strip Mine Law (444.500-444.555) which was superseded by Missouri's Surface Coal Mining Law (444.800-444.940). The Department plans to rescind this unnecessary rule. **Recission of this unnecessary rule will reduce the number of pages in the Code of State Regulations.
10 CSR 40-2.030 - Restoration of Affected Land to Equivalent Prior Use	1/13/1979	No*	Yes	Yes	Yes	Yes**	N/A	No	No	*All of Chapter 2 rules are no longer applicable because they are based on Missouri's Strip Mine Law (444.500-444.555) which was superseded by Missouri's Surface Coal Mining Law (444.800-444.940). The Department plans to rescind this unnecessary rule. **Recission of this unnecessary rule will reduce the number of pages in the Code of State Regulations.
10 CSR 40-2.040 - Backfilling and Grading Requirements	1/13/1979	No*	Yes	Yes	Yes	Yes**	N/A	No	No	*All of Chapter 2 rules are no longer applicable because they are based on Missouri's Strip Mine Law (444.500-444.555) which was superseded by Missouri's Surface Coal Mining Law (444.800-444.940). The Department plans to rescind this unnecessary rule. **Recission of this unnecessary rule will reduce the number of pages in the Code of State Regulations.
10 CSR 40-2.050 - Topsoil Handling	1/13/1979	No*	Yes	Yes	Yes	Yes**	N/A	No	No	*All of Chapter 2 rules are no longer applicable because they are based on Missouri's Strip Mine Law (444.500-444.555) which was superseded by Missouri's Surface Coal Mining Law (444.800-444.940). The Department plans to rescind this unnecessary rule. **Recission of this unnecessary rule will reduce the number of pages in the Code of State Regulations.
10 CSR 40-2.060 - Protection of the Hydrologic System by Water Quality Standards and Effluent Limitations	1/13/1979	No*	Yes	Yes	Yes	Yes**	N/A	No	No	*All of Chapter 2 rules are no longer applicable because they are based on Missouri's Strip Mine Law (444.500-444.555) which was superseded by Missouri's Surface Coal Mining Law (444.800-444.940). The Department plans to rescind this unnecessary rule. **Recission of this unnecessary rule will reduce the number of pages in the Code of State Regulations.

Missouri Department of Natural Resources Rule Review

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## **Land Reclamation Program**

# Missouri Department of Natural Resources Rule Review

2016

## Land Reclamation Program

			1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
10 CSR 40-3.030 - Requirements for Topsoil Removal, Storage and Redistribution	4/30/1995	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.040 - Requirements for the Protection of the Hydrologic Balance	7/30/2013	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.050 - Requirements for the Use of Explosives	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.060 - Requirements for the Disposal of Excess Spoil	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.070 - Requirements for the Protection of Underground Mining	2/11/1980	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.080 - Requirements for the Disposal of Coal Processing Wastes	10/30/2000	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.090 - Requirements for the Protection of Air Resources	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.100 - Requirements for the Protection of Fish, Wildlife and Related Environmental Values and Protection Against Slides and Other Damage	4/30/1995	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.110 - Backfilling and Grading Requirements	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

# Missouri Department of Natural Resources Rule Review

2016

## Land Reclamation Program

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10 CSR 40-3.120 - Revegetation Requirements	10/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.130 - Postmining Land Use Requirements	1/15/1993	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.140 - Road and Other Transportation Requirements	10/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.150 - Requirements for Coal Recovery, Land Reclamation and Cessation of Operations	2/11/1980	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.160 - Training, Examination and Certification of Blasters	8/25/1988	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.170 - Signs and Markers for Underground Operations	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.180 - Casing and Sealing of Exposed Underground Openings	7/30/2013	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.190 - Requirements for Topsoil Removal, Storage and Redistribution for Underground Operations	11/30/1990	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.200 - Requirements for the Protection of the Hydrologic Balance for Underground Operations	7/30/2013	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

# Missouri Department of Natural Resources Rule Review

2016

## Land Reclamation Program

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10 CSR 40-3.210 - Requirements for the Use of Explosives for Underground Operations	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.220 - Disposal of Underground Development Waste and Excess Spoil	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.230 - Requirements for the Disposal of Coal Processing Waste for Underground Operations	7/30/2013	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.240 - Air Resource Protection for Underground Operations	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.250 - Requirements for the Protection of Fish, Wildlife and Related Environmental Values and Protection Against Slides and Other Damage	1/15/1993	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.260 - Requirements for Backfilling and Grading for Underground Operations	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.270 - Revegetation Requirements for Underground Operations	10/30/2000	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.280 - Requirements for Subsidence Control Associated with Underground Mining Operations	1/15/1989	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.290 - Requirements for Road and Other Transportation Associated with Underground Operations	11/30/1990	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

# Missouri Department of Natural Resources Rule Review

2016

## Land Reclamation Program

			1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
10 CSR 40-3.300 - Postmining Land Use Requirements for Underground Operations	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.310 - Coal Recovery, Land Reclamation and Cessation of Operation for Underground Operations	12/11/1980	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.010 - Coal Exploration Requirements	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.020 - Auger Mining Requirements	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.030 - Operations on Prime Farmland	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.040 - Operations on Steep Slopes	12/11/1980	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.050 - Requirements for Coal Processing Plants and Support Facilities Not Located at or Near the Mine Site or Not Within the Permit Area for a Mine	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.060 - Concurrent Surface and Underground Mining	9/11/1980	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.070 - <i>In Situ</i> Processing	9/11/1980	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.080 - Previously Mined Areas	8/1/1989	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-5.010 - Prohibitions and Limitations on Mining in Certain Areas	1/30/2012	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-5.020 - State Designation of Areas as Unsuitable for Mining	1/30/2012	Yes	No	No	No	No	No	N/A	Yes*	No	*Although rarely, if ever, a factor in a permitting decision, this rule is necessary to protect human health and the environment by providing the Department with the authority to designate certain lands as unsuitable for mining.

# Missouri Department of Natural Resources Rule Review

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10 CSR 40-6.010 - General Requirements for Permits, Permit Applications and Coal Exploration	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.020 - General Requirements for Coal Exploration, Permits	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.030 - Surface Mining Permit Applications - Minimum Requirements for Legal, Financial, Compliance, and Related Information	1/31/2014	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.040 - Surface Mining Permit Applications - Minimum Requirements for Information on Environmental Resources	7/30/2013	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.050 - Surface Mining Permit Applications - Minimum Requirements for Reclamation and Operations Plan	7/30/2013	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.060 - Requirements for Permits for Special Categories of Surface Coal Mining and Reclamation Operations	7/30/2013	Yes	No	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.070 - Review, Public Participation and Approval of Permit Applications and Permit Terms and Conditions	1/31/2014	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.080 - Administrative and Judicial Review of Decisions on Permit Applications	2/11/1980	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.090 - Permit Reviews, Revisions and Renewals and Transfer, Sale and Assignment of Rights Granted Under Permits	10/30/2000	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

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2016

## Land Reclamation Program

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10 CSR 40-6.100 - Underground Mining Permit Applications - Minimum Requirements for Legal, Financial, Compliance and Related Information	1/31/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.110 - Underground Mining Permit Applications Minimum Requirements for Information on Environmental Resources	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.120 - Underground Mining Permit Applications Minimum Requirements for Reclamation and Operations Plan	7/30/2013	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.011 - Bond Requirements	7/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.021 - Duration and Release of Reclamation Liability	7/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.031 - Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies	7/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.041 - Form and Administration of the Coal Mine Land Reclamation Fund	7/30/2006	Yes*	No	No	No	No	N/A	No	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.050 - Requirements, Conditions and Terms of Liability Insurance	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.010 - Definitions	7/30/2013	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.020 - Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

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10 CSR 40-8.030 - Permanent Program Inspection and Enforcement	1/31/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.040 - Penalty Assessment	1/31/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.045 - Individual Civil Penalty Assessment to the Directors, Officers or Agents of a Corporation	8/1/1989	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.050 - Small Operators' Assistance	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.060 - State Employees Financial Interest	8/1/1989	Yes*	No	No	No	No	N/A	No	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.070 - Applicability and General Requirements	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-9.010 - Abandoned Mine Reclamation Fund	10/13/1981	Yes*	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.020 - Reclamation - General Requirements	10/30/2000	Yes*	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.030 - Rights of Entry	10/13/1981	Yes*	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.040 - Acquisition of Land and Water for Reclamation	10/13/1981	Yes*	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.050 - Management and Disposition of Land and Water	10/13/1981	Yes*	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.060 - Reclamation on Private Lands	6/25/1987	Yes*	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.

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10 CSR 40-10.010 - Permit Requirements for Industrial Mineral Operations	11/30/1994	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its purpose. **This rule is necessary to ensure that industrial mineral mining operations do not adversely impact human health or the environment.
10 CSR 40-10.020 - Permit Application Requirements	2/29/2016	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its purpose. **This rule is necessary to ensure that industrial mineral mining operations do not adversely impact human health or the environment.
10 CSR 40-10.030 - Bonding	5/30/2005	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its purpose. **This rule is necessary to ensure that there is adequate bond funding in place should the operator of mining operations not properly complete reclamation of the land.
10 CSR 40-10.040 - Permit Review Process	5/30/2005	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its purpose. **This rule is necessary to describe the circumstances under which the Department may grant a variance from an otherwise applicable requirement.
10 CSR 40-10.050 - Performance Requirements	5/30/2005	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure that the Department has enforceable technical standards for mining operations.
10 CSR 40-10.060 - Inspection Authority and Right of Entry	5/30/2005	No*	No	No	No	No	N/A	Yes**	No	*This rule restates the Department's existing statutory authority to obtain access. **It is in the public's interest that the Department have the ability to access and inspect permitted mining sites to measure compliance.
10 CSR 40-10.070 - Enforcement	5/30/2005	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides transparency in how the Department pursues enforcement actions and calculates penalties.
10 CSR 40-10.080 - Public Meetings, Hearings and Informal Conferences	5/30/2005	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its purpose. Additionally, subsequent statutory changes have made the rule inconsistent with current law. **This rule is necessary to enable the Department to implement permitting activities.
10 CSR 40-10.090 - Annual Reclamation Status Report	2/6/1992	Yes	No	No	No	No	N/A	Yes*	No	*This rule implements the statutory requirement for the submission of an annual report by mining operators on the number of acres disturbed and reclaimed by mining.

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10 CSR 40-10.100 - Definitions	5/30/2005	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its purpose. **This rule provides definitions for various regulatory terms, ensuring the protection of human health and the environment while allowing the extraction of industrial minerals.
10 CSR 45-1.010 - General Organization	9/30/2000	Yes	No	No	No	No	N/A	No	No	
10 CSR 45-2.010 - Definitions	9/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides definitions for various regulatory terms, ensuring the protection of human health and the environment while allowing the extraction of metallic minerals.
10 CSR 45-3.010 - Administrative Penalty Assessments	9/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary for the Department to be able to effectively and appropriately enforce the Metallic Minerals Waste Management Act to protect human health and the environment.
10 CSR 45-6.010 - Permit Applications - General	9/30/2000	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its statutory purpose. **This rule benefits the public by ensuring protective permits.
10 CSR 45-6.020 - Closure Plans and Inspection-Maintenance Plan-General Requirements	9/30/2000	Yes*	No	No	No	No	N/A	Yes**	No	*Substantial portions of the rule language repeat existing statutory language and are not necessary to achieve statutory goals. **This rule protects human health and the environment by ensuring that metallic mineral waste areas are properly closed and inspected.
10 CSR 45-6.030 - Financial Assurance-Company Guarantee and Financial Test	9/30/2000	Yes*	No	No	No	No	N/A	Yes**	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its statutory purpose. **This rule benefits the public by requiring that some financial resources exist to close waste areas if the operator fails to do so.
10 CSR 45-8.010 - General	4/29/1991	No*	No	Yes	No	No	N/A	No	No	*This rule contains no requirements or other enforceable aspects beyond those already in statute and regulation.
10 CSR 45-8.020 - Groundwater Protection	4/29/1991	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary for requiring applicants provide the Department adequate groundwater monitoring plans to protect human health and the environment.
10 CSR 45-8.030 - Metallic Minerals Waste Management Structures	4/29/1991	Yes	No	No	No	No	N/A	Yes*	No	*This rule ensures waste management structures are adequate to protect human health and the environment.

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10 CSR 45-8.040 - Reclamation-  
Reuse

4/29/1991

Yes\*

No

No

No

N/A

Yes\*\*

No

\*A substantial portion of this rule repeats existing statutory language and is not necessary to accomplish the purpose of the statute.

\*\*This rule requires that the closure of metallic mineral waste areas eliminates the release of wastes to land, air, or water. This ensures the long-term protection of human health and the environment.

## Missouri Department of Natural Resources Rule Review

2016

### Geologic Resources

Number of Rules Reviewed	Date of Adoption or Last Amendment	Geologic Resources							Comments received?	Department comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
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10 CSR 50-1.010 - Organization	3/30/2016	Yes	No	No	No	No	N/A	No	No	This rule sets out the organization of the State Oil and Gas Council which already exists in statute.
10 CSR 50-1.020 - General Procedures	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The rule provides for the general procedure before the Council.
10 CSR 50-1.030 - Definitions	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The rule provides definitions of terms applicable to this section.
10 CSR 50-1.040 - Enforcement Action and Appeal Procedures	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The rule describes procedures to investigate alleged violations of this section.
10 CSR 50-1.050 - Assessment of Costs	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The rule establishes fees applicable to this section.
10 CSR 50-2.010 - Operator License	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The rule establishes reporting requirements applicable to this section.
10 CSR 50-2.020 - Bonds	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*The rule establishes bonding requirements.
10 CSR 50-2.030 - Application for Permit to Drill, Deepen, Plug-Back or Inject	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*This rule establishes permitting and information requirements.
10 CSR 50-2.040 - Drilling and Completion	3/30/2016	Yes	No	Yes*	No	No	N/A	Yes**	No	*These rules impose requirements regarding plugging, integrity testing, fluid disposal, and recordkeeping that may overlap with the application of similar federal rules. These will be reviewed for consistency. **This rule protects water supplies.
10 CSR 50-2.050 - Samples, Logs, and Completion Reports	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides that drilling information will be maintained so as to preserve data for future use.

## Missouri Department of Natural Resources Rule Review

**2016**

### **Geologic Resources**

			1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments	
<b>10 CSR 50-2.055 - Injection Wells, Mechanical Integrity Testing, and Well Stimulation Treatment</b>	3/30/2016	Yes	No	Yes*	No	No	No	N/A	Yes**	No	*These rules impose requirements regarding plugging, integrity testing, fluid disposal, and recordkeeping that may overlap with the application of similar federal rules. These will be reviewed for consistency. **This rule sets permitting standards for injection activities.	
<b>10 CSR 50-2.060 - Shut-in Wells, Plugging, and Conversion to Water Well</b>	3/30/2016	Yes	No	Yes*	No	No	No	N/A	Yes**	No	*These rules impose requirements regarding plugging, integrity testing, fluid disposal, and recordkeeping that may overlap with the application of similar federal rules. These will be evaluated. **The rule sets standards for shutting in, plugging or converting wells.	
<b>10 CSR 50-2.065 - Operations</b>	3/30/2016	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule sets certain operational requirements for oil and gas production activities.	
<b>10 CSR 50-2.080 - Record Retention and Reporting</b>	3/30/2016	Yes	No	Yes*	No	No	No	N/A	Yes**	No	*These rules impose requirements regarding plugging, integrity testing, fluid disposal, and recordkeeping that may overlap with the application of similar federal rules. These will be reviewed for consistency. **The rule sets requirements for production and status reporting.	
<b>10 CSR 50-2.090 - Disposal of Fluids by Injection</b>	3/30/2016	Yes	No	Yes*	No	No	No	N/A	Yes**	No	*These rules impose requirements regarding plugging, integrity testing, fluid disposal, and recordkeeping that may overlap with the application of similar federal rules. These will be reviewed for consistency. **This rule sets requirements relating to well construction and water quality and quantity to ensure underground water sources are protected.	
<b>10 CSR 50-2.100 - Enhanced Recovery Projects</b>	3/30/2016	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule provides that property owners' rights will be considered.	
<b>10 CSR 50-2.120 - Gas Storage Operations</b>	3/30/2016	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule ensures protection of underground water sources.	
<b>10 CSR 50-3.010 - Spacing Units for Primary Production</b>	3/30/2016	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule sets requirements for well-spacing to eliminate waste and protect property rights.	
<b>10 CSR 50-3.020 - Production Units and Well Spacing for Enhanced Recovery</b>	3/30/2016	Yes	No	No	No	No	No	N/A	Yes*	No	*This rule enhances resource recovery, eliminates waste and protects property rights.	

Missouri Department of Natural Resources Rule Review

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## **Geologic Resources**

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department comments
10 CSR 50-4.010 - Application for Authorization of a Pooling Unit for Primary Production	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*This rule describes the procedure for pooling mineral interests.
10 CSR 50-4.020 - Application for Authorization of Unitization for Enhanced Recovery	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*This rule describes the procedure for cooperative development and projects designed to maximize resource recovery.
10 CSR 50-5.010 - Special Projects and Research Projects	3/30/2016	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides that the state geologist and the Council may consider resource development opportunities where economic conditions or technological advances require special consideration.

# Missouri Department of Natural Resources Rule Review

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## Public Drinking Water Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Assessment Criteria							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
65 10 CSR 60-1.010 - Organization	10/30/1996	Yes*	No**	No	No***	No	NA	No	No	*The rule provides detailed organizational information regarding the Public Drinking Water Branch and the Safe Drinking Water Commission. **The rule only provides information regarding the organization and operating methods for the Public Drinking Water Branch and the Safe Drinking Water Commission. ***The rule outlines specific methods of operation for the Public Drinking Water Branch and Safe Drinking Water Commission, a less restrictive rule is not necessary.
10 CSR 60-2.015 - Definitions	3/30/2016	Yes*	No*	No	No**	No***	No****	No	No	*The rule continues to be necessary as it defines terms used throughout the Safe Drinking Water Regulations. **Rule only defines terms used in the Safe Drinking Water Regulations to assist those entities that are regulated by the Safe Drinking Water Act. ***The rule was amended in March of 2016 to define new terms used in Chapter 40 of the Code of Federal Regulations. ****The rule incorporates material by reference but does not meet the requirements of section 536.031, RSMo.
10 CSR 60-3.010 - Construction Authorization, Final Approval of Construction, Owner-Supervised Program and Permit to Dispense Water	3/30/2000	Yes*	No**	No	No***	No****	No <sup>i</sup>	Yes <sup>ii</sup>	No	<sup>i</sup> This rule sets criteria for obtaining construction authorization, final approval of construction and the Permit to Dispense Water for public water systems in the State of Missouri. <sup>ii</sup> The rule sets criteria a public water system must follow to obtain construction authorization, final construction approval, the permit to dispense water and information on owner-supervised programs. ***The rule establishes criteria for public water systems to obtain construction authorization, etc., for a new or reconstructed system. ****The Department conducted numerous stakeholder meetings to amend the rule, in particular the Standards for NonCommunity Public Water Supplies, 1982 guide, which is incorporated by reference. Stakeholder comments are being incorporated into the revised version. <sup>iii</sup> The rule incorporates the Standards for NonCommunity Public Water Supplies, 1982 by reference but does not meet the requirements for 536.031. <sup>iv</sup> Yes, however, the specific purpose of the rule is to ensure the proper construction of the public water system for the protection of public health and the protection of Missouri's groundwater.

# Missouri Department of Natural Resources Rule Review

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## Public Drinking Water Program

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
10 CSR 60-3.020 - Continuing Operating Authority	3/30/2000	Yes*	No**	No***	No****	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes the continuing operating authority COA for public water systems in Missouri. **The rule ensures the water systems continuing operating authority is dispensing safe and adequate supplies of drinking water to the public. ***The Public Service Commission PSC does regulate some continuing operating authorities. ****The rule was promulgated to ensure the protection of the public's drinking water by requiring a COA that is responsible for operations of the public water supply system. <sup>t</sup> The rule only requires the public water system to designate a responsible party for the water system continuing operating authority. <sup>tt</sup> Yes, however, the specific purpose of the rule is to ensure that safe and adequate drinking water is provided for the protection of the public's health.
10 CSR 60-3.030 - Technical, Managerial and Financial Capacity	3/30/2000	Yes*	No**	No	No***	No****	NA	Yes	No	*This rule establishes the minimum technical, managerial and financial requirements for community and nontransient public water systems. **The rule requires a water system to certify it has the knowledge, tools and resources to ensure it has the ability to provide safe and reliable drinking water to the public both now and in the future. ***A less restrictive rule may not ensure a public water system has the ability to provide safe and reliable water to the public, lessening the protection of public health. ****The minimum requirements in the current rule ensure safe and reliable water to the public by the public water system. <sup>t</sup> Yes, however, by ensuring the public water system has the knowledge, tools and resources to provide safe and reliable water to the public, the rule will help the system to achieve compliance with the Safe Drinking Water Act.
10 CSR 60-4.010 - Maximum Contaminant Levels and Monitoring Requirements.	1/30/2004	Yes*	No**	No***	No****	No****	NA	Yes <sup>t</sup>	No	*The rule establishes sampling and monitoring requirements for public water systems and criteria for significant deficiencies at surface water systems. **To maintain primacy, the State must promulgate rule language similar to that of the Environmental Protection Agency in the Code of Federal Regulations. Rules are amended on EPAs schedule. ***The rule follows EPAs rules set forth in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was promulgated to maintain primacy from EPA and follows language in Chapter 40 part 141 of the Code of Federal Regulations. The rule protects public health therefore meeting the statutory requirements of the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

# Missouri Department of Natural Resources Rule Review

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## Public Drinking Water Program

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
10 CSR 60-4.020 - Maximum Microbiological Contaminant Levels and Monitoring Requirements	3/30/2016	Yes*	No**	No***	No****	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*This rule establishes the maximum contaminant levels and monitoring requirements for microbiological contaminants. **The rule is required to maintain primacy from EPA to regulate public water systems. ***The rule is based on EPAs rules set forth in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. The rule protects public health therefore meeting the statutory requirements of the Safe Drinking Water Act. <sup>t</sup> The rule was amended in March of 2016 to include EPAs Revised Total Coliform Rule language. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.022 - Revised Total Coliform Rule	3/30/2016	Yes*	No**	No***	No****	NA	Yes <sup>t</sup>	No	*The rule establishes sampling and monitoring requirements for public water systems, sets monitoring and treatment techniques for seasonal systems and other requirements from the EPA. **The rule was promulgated in March of 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in the Revised Total Coliform Rule language in subpart Y of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.	
10 CSR 60-4.025 - Ground Water Rule Monitoring and Treatment Technique Requirements	3/30/2016	Yes*	No**	No***	No****	NA	Yes <sup>t</sup>	No	*The rule establishes standards for public water systems using groundwater, including requirements for monitoring, treatment techniques, and corrective actions where significant deficiencies are found. **The rule was amended in March of 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in the Revised Total Coliform Rule language in subpart S of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. The rule was amended in March 2016. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.	

# Missouri Department of Natural Resources Rule Review

2016

## Public Drinking Water Program

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<b>10 CSR 60-4.030 - Maximum Inorganic Chemical Contaminant Levels, Action Levels and Monitoring Requirements</b>	11/30/2003	Yes*	No**	No***	No****	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes maximum contaminant levels, action levels and monitoring requirements for inorganic contaminants. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was promulgated to maintain primacy from EPA and is based on the language in Chapter 40 part 141 of the Code of Federal Regulations. <sup>t</sup> The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.040 - Maximum Synthetic Organic Chemical Contaminant Levels and Monitoring Requirements</b>	11/30/2003	Yes*	No**	No***	No****	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes maximum contaminant levels, action levels and monitoring requirements for synthetic organic chemical contaminants. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.050 - Maximum Turbidity Levels and Monitoring Requirements and Filter Backwash Recycling</b>	11/30/2003	Yes*	No**	No***	No****	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes maximum contaminant levels and monitoring requirements for turbidity. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

# Missouri Department of Natural Resources Rule Review

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## Public Drinking Water Program

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<b>10 CSR 60-4.052 - Source Water Monitoring and Enhanced Treatment Requirements</b>	10/30/2009	Yes*	No**	No**	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes source water monitoring requirements and enhanced treatment for Cryptosporidium for surface water systems and systems under the direct influence of surface water. **The rule was promulgated in October 2009 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Subpart W of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was amended in 2009 to maintain primacy from EPA. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.055 - Disinfection Requirements</b>	3/30/2016	Yes*	No**	No**	No**	No***	Yes <sup>t</sup>	Yes <sup>tt</sup>	No	*The rule establishes minimum disinfectant levels and treatment requirements to assure the inactivation and removal of pathogenic organisms. **The rule was amended in March of 2016 to maintain primacy from (EPA) to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was amended in 2016 to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> The Missouri Guidance Manual for Surface Water System Treatment Requirements, 1992 is incorporated by reference and meets the requirements for 536.031. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.060 - Maximum Radionuclide Contaminant Levels and Monitoring Requirements</b>	11/30/2002	Yes*	No**	No**	No**	No****	Yes <sup>t</sup>	Yes <sup>tt</sup>	No	*The rule establishes maximum contaminant levels, action levels and monitoring requirements for radionuclides. **The rule was amended in November of 2002 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> The rule incorporates material by reference and meets the requirements of section 536.031, RSMo. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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## Public Drinking Water Program

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<b>10 CSR 60-4.070 - Secondary Contaminant Levels and Monitoring Requirements</b>	11/30/2003	Yes*	No**	No**	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes maximum contaminant levels, action levels and monitoring requirements for secondary contaminants. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.080 - Operational monitoring</b>	10/30/1996	Yes*	No**	No**	No**	No***	Yes <sup>t</sup>	Yes <sup>tt</sup>	No	*The rule establishes criteria for operation and operational monitoring for public water systems. **The rule was amended in October of 1996 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> The material is incorporated by reference and meets the requirements of 536.031. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.090 - Maximum Contaminant Levels and Monitoring Requirements for DBPs</b>	11/30/2003	Yes	No*	No**	No**	No	NA	Yes**	No	*The rule was amended in October of 2009 to maintain primacy from EPA to regulate public water systems for the protection of public health. **The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ***Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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## Public Drinking Water Program

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<b>10 CSR 60-4.092 - Initial Distribution System Evaluation</b>	10/30/2009	Yes*	No**	No**	No***	No***	Yes <sup>t</sup>	Yes <sup>tt</sup>	No	*The rule incorporates by reference the Stage 2 Disinfectants/Disinfection By-Products Rule initial distribution system evaluation requirements found in 40 CFR part 141 subpart U, July 1, 2007. **The rule was promulgated in October of 2009 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and incorporates by reference the requirements in Chapter 40 part 141 Subpart U of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Chapter 40 part 141 Subpart U of the Code of Federal Regulations, July 1, 2007 is incorporated by reference and meets the requirements of 536.031. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.094 - Stage 2 Disinfectants/Disinfection By-Products</b>	10/30/2009	Yes*	No**	No***	No***	No****	Yes <sup>t</sup>	Yes <sup>tt</sup>	No	*The rule establishes monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages for certain disinfection by-products. **The rule was promulgated in October of 2009 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and incorporates by reference the requirements in Chapter 40 part 141 Subpart U of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> The rule incorporates material by reference and meets the requirements of Section 536.031, RSMo. <sup>tt</sup> Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-4.100 - Maximum Volatile Organic Chemical Contaminant Levels and Monitoring Requirements</b>	11/30/2003	Yes*	No**	No***	No***	No***	NA	Yes <sup>t</sup>	No	*The rule establishes maximum contaminant levels and monitoring requirements for volatile organic chemicals. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 Subpart U of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

# Missouri Department of Natural Resources Rule Review

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10 CSR 60-4.110 - Special Monitoring for Unregulated Chemicals	10/30/1996	Yes*	No**	No	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes monitoring requirements for organic chemicals, volatile organic chemicals and an inorganic chemical, which are unregulated in that they do not have maximum contaminant levels. **The rule was amended in October of 1996 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-5.010 - Acceptable and Alternate Procedures for Analysis	3/30/2016	Yes*	No**	No**	No**	No***	Yes <sup>t</sup>	Yes <sup>tt</sup>	No	*The rule provides the lists of manuals containing acceptable analysis procedures for determination of contaminant levels. **The rule was amended in March 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and incorporates by reference the requirements of Chapter 40 part 141 and 143 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> The rule incorporates text and other material by reference and meets the requirements of 563.031. <sup>tt</sup> Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-5.020 - Laboratory Certification	9/1/2000	Yes*	No**	No**	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes that required analyses for public water systems must be performed by laboratories certified by the Department of Natural Resources. **The rule was amended in September of 2000 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

## Missouri Department of Natural Resources Rule Review

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### Public Drinking Water Program

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
<b>10 CSR 60-6.010 - Procedures and Requirements for Variances</b>	3/30/2000	Yes*	No**	No**	No***	No***	NA	Yes	No	*The rule establishes procedures and requirements for requesting and granting variances for any size public water system. **The rule was amended in March of 2000 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act.
<b>10 CSR 60-6.020 - Procedures and Requirements for Exemptions</b>	3/30/2000	Yes*	No**	No**	No***	No****	NA	Yes	No	*The rule establishes procedures and requirements for requesting exemptions to maximum contaminant levels and treatment techniques. **The rule was amended in March of 2000 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on language in Chapter 40 part 141.4 and Chapter 40 part 142 Subpart C of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act.
<b>10 CSR 60-6.030 - Schedules for Variances and Exemptions</b>	10/30/1996	Yes*	No**	No**	No	No	NA	Yes	No	*The rule establishes compliance schedules with conditions of general variances granted to any size public water system and exemptions granted. **The rule was amended in March of 2000 to regulate public water systems for the protection of public health. ***The rule is based on requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations and does not conflict with other rules.
<b>10 CSR 60-6.040 - Public Hearings on Variance, Variance Schedules, Exemptions and Exemption Schedules</b>	10/11/1981	Yes*	No**	No**	No***	No	NA	No	No	*The rule establishes requirements for public hearings on variances, exemptions, variance schedules and exemption schedules. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***The rule is based on requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations and does not conflict with other rules. ****The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act.

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## **Public Drinking Water Program**

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
10 CSR 60-6.050 - Procedures and Requirements for Abatement Orders	11/30/2003	Yes*	No**	No***	No***	No <sup>t</sup>	NA	No	No	*The rule establishes procedures for issuing and requirements for complying with abatement orders. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***Yes, the rule needs an amendment to reflect appeals to the Administrative Hearing Commission per Section 621.250, RSMo. ****The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. ^The rule was promulgated to regulate public water systems under the Safe Drinking Water Act. The rule ensures public water systems in Missouri are providing safe drinking water to the public.
10 CSR 60-6.060 - Waivers From Baseline Monitoring Requirements	1/13/1994	Yes*	No**	No***	No***	No <sup>t</sup>	NA	Yes	No	*The rule establishes waiver requirements from testing for asbestos, volatile organic chemicals, synthetic organic chemicals and inorganic chemicals. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***The rule is based on requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations and does not conflict with other rules. ****The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. ^The rule was promulgated to regulate public water systems under the Safe Drinking Water Act. The rule ensures public water systems in Missouri are providing safe drinking water to the public.
10 CSR 60-6.070 - Administrative Penalty Assessment	3/30/2000	Yes*	No**	No	No***	No***	NA	Yes	No	*The rule establishes the procedures for issuance of administrative orders and assessment of administrative penalties. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. ****The rule was promulgated to regulate public water systems under the Safe Drinking Water Act. The rule ensures public water systems in Missouri are providing safe drinking water to the public.
10 CSR 60-7.010 - Reporting Requirements	3/30/2016	Yes*	No**	No***	No***	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes requirements for reports of water sample analyses and monitoring by public water systems. **The rule was amended in 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in subpart D and S of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule follows the requirements in subpart D and S of Chapter 40 part 141 of the Code of Federal Regulations. ^The rule is required by EPA for the State to maintain primacy. ^Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

## Missouri Department of Natural Resources Rule Review

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### Public Drinking Water Program

											Comments received?	Department Comments
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<b>10 CSR 60-7.020 - Reporting Requirements for Lead and Copper Monitoring</b>	5/30/2012	Yes*	No**	No***	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes requirements for reports of water sample analyses and monitoring for lead and copper by public water systems. **The rule was amended in 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Subpart I of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is based on the requirements in Subpart I of Chapter 40 part 141 of the Code of Federal Regulations. <sup>t</sup> The rule is required by EPA to maintain primacy. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.			
<b>10 CSR 60-8.010 - Public Notification of Conditions Affecting a Public Water Supply</b>	3/30/2016	Yes*	No**	No***	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes the timing, content, method and other requirements for notifying the public of violations of the public drinking water rules, situations with potential to have adverse effects on human health. **The rule was amended in 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Subpart Q of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule follows the requirements in Subpart Q of Chapter 40 part 141 of the Code of Federal Regulations. <sup>t</sup> The rule follow EPAs time schedule as it is required to maintain primacy. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public. This includes notifying their customers if problems arise.			
<b>10 CSR 60-8.020 - Public notice requirements pertaining to lead</b>	10/30/1996	No	No	No	No	NA	No	No				
<b>10 CSR 60-8.030 - Consumer Confidence Reports</b>	3/30/2016	Yes*	No**	No***	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule establishes the minimum requirements for the content of annual reports that community water systems must deliver to their customers. **The rule was amended in 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Subpart O of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is based on the requirements in Subpart O of Chapter 40 part 141 of the Code of Federal Regulations. <sup>t</sup> The rule is required by EPA therefore follows EPAs time schedule. <sup>tt</sup> Yes, however the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.			

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### Public Drinking Water Program

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10 CSR 60-9.010 - Requirements for Maintaining Public Water System Records	3/30/2016	Yes*	No**	No***	No <sup>t</sup>	NA	Yes <sup>ll</sup>	No	*The rule sets requirements for record maintenance for water suppliers at their premises for certain time periods. **The rule was amended in 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Subpart D of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is based on the requirements in Subpart D of Chapter 40 part 141 of the Code of Federal Regulations. <sup>t</sup> The rule is required by EPA and therefore, revisions to the rule are based on EPA timeframes. <sup>ll</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.		
10 CSR 60-10.010 - Plans and Specifications	10/11/1981	Yes*	No**	No	No***	No	Yes <sup>t</sup>	No	*The rule sets requirements for submission, review and approval of engineering reports, plans and specifications for community water supply planning and construction. **The rule requires the public water system to submit construction specifications for review by the department to ensure the system is properly constructed. ***The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. ****Rule incorporates specifications issued by the American Water Works Association but does not meet the requirements of 536.031. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.		
10 CSR 60-10.020 - Siting Requirements	9/14/1979	Yes*	No**	No	No	NA	No	No	*The rule establishes requirements for siting a new or expanded water-system. **The rule requires the public water system be located on a site not within a certain distance from the floodplain or where it would be at a significant risk from certain disasters.		
10 CSR 60-10.030 - Recreational Use of Public Water Supply Impoundments	9/14/1979	Yes*	No**	No	No	NA	Yes***	No	*The rule establishes limitations on recreational use of water supply impoundments. **The rule limits the use of water supply impoundments for recreational use. ***Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.		

# Missouri Department of Natural Resources Rule Review

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## Public Drinking Water Program

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10 CSR 60-10.040 - Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux.	4/30/2002	Yes*	No**	No***	No <sup>t</sup>	NA	Yes <sup>tt</sup>	No	*The rule protects public water systems and the customers connected to the public water systems from leaching of lead into the drinking water. **The rule was amended in 2002 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***Rule was promulgated to maintain primacy from EPA and is based on the requirements in Subpart I of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is based on the requirements in Subpart I of Chapter 40 part 141 of the Code of Federal Regulations. <sup>t</sup> Required by EPA and follows EPAs time schedule for revisions. <sup>tt</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.		
10 CSR 60-11.010 - Prevention of Backflow	12/29/1997	Yes*	No	No	Yes**	Yes***	NA	Yes****	No	*The rule establishes requirements for the protection of public water systems from introduction of contaminants by backflow. **A letter received in May 2016 requested the Department review the rule and allow American Society of Sanitary Engineering approved backflow assembly devices be installed in the State of Missouri. ***A petition received in May 2016 requested the department review the rule and allow American Society of Sanitary Engineering approved backflow assembly devices be installed in the State of Missouri. ****Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.	
10 CSR 60-11.020 - Backflow Prevention Assembly Tester Certification	7/7/1996	No*	No	No	No	No	NA	No	No	*This rule was an emergency rule and refiled as a proposed rule under 10 CSR 60-11.030.	
10 CSR 60-11.030 - Backflow Prevention Assembly Tester Certification	12/29/1997	Yes*	No**	No	No***	No	NA	Yes****	No	*The rule establishes certification and recertification requirements for backflow prevention assembly tester training programs. **The rule sets requirements for the regulation of persons seeking certification as a backflow prevention assembly tester. ***The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. ****Yes, however, the specific purpose of the rule is to ensure persons are knowledgeable and properly certified as backflow prevention assembly testers. The rule also protects public health by ensuring public water systems provide safe and reliable drinking water to the public.	
10 CSR 60-12.010 - Emergency Operations Plan	9/14/1979	Yes*	No**	No	No	No	NA	No	No	*The rule ensures that a supplier of water to a public water system implements an adequate plan for providing drinking water under emergency conditions. **The rule sets procedural requirements in the case of an emergency for public water systems.	

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10 CSR 60-13.010 - Grants for Public Water Supply Districts and Small Municipal Water Supply Systems.	10/30/2007	Yes*	No	No	No	No	No	NA	No	No	*This rule establishes the department's grant application procedure requirements and for construction of projects at public water supply districts and rural community water systems, and providing source water protection grants.	
10 CSR 60-13.020 - Drinking Water Revolving Fund Loan Program	9/30/2001	Yes*	No	No	No	No	No	NA	No	No	*This rule sets forth eligibility and application requirements for applicants for loans from the Drinking Water Revolving Fund. The rule also established requirements for loan recipients.	
10 CSR 60-13.025 - State Loan Program	9/30/2001	Yes*	No	No	No	No	No	NA	No	No	*This rule establishes requirements for loans from state funding for financing construction improvements at public water systems.	
10 CSR 60-13.030 - Environmental Review	9/30/2000	Yes*	No	No	No	No	No	NA	No	No	*This rule establishes procedures and requirements for environmental reviews required for assistance from the Drinking Water State Revolving Fund Loan Program.	
10 CSR 60-13.040 - State Revolving Fund General Assistance Regulations	9/30/2001	No	No	No	No	No	No	NA	No	No		
10 CSR 60-14.010 - Classification of Public Water Systems and System Requirements	7/30/2001	Yes*	No**	No***	No	Yes****	NA	Yes <sup>t</sup>	No	*The rule determines the classification level of public water system treatment and distribution systems for the purpose of determining the certification level required for the chief operator. **Department staff are conducting stakeholder meetings to evaluate potential amendments. ***The rule is based on the Safe Drinking Water Act. ****Department staff are conducting stakeholder meetings to evaluate potential amendments. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.		
10 CSR 60-14.020 - Certification of Public Water System Operators	7/30/2001	Yes*	No**	No	No	Yes**	NA	Yes***	No	*The rules sets forth requirements for obtaining and renewing a water system treatment or distribution operator certificate, including experience, education, application and examination requirements. **Department staff are conducting stakeholder meetings to evaluate potential amendments. ***Department staff are conducting stakeholder meetings to evaluate potential amendments. ****Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.		

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10 CSR 60-14.030 - Operator Training	8/1/2001	Yes*	No**	No	No	Yes***	NA	Yes***	No	*The rule establishes criteria for approval of training courses for certified operators. **Department staff are conducting stakeholder meetings to evaluate potential amendments. ***Department staff are conducting stakeholder meetings to evaluate potential amendments. ****Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.010 - General Requirements	5/30/2012	Yes*	No**	No**	No**	No***	NA	Yes <sup>t</sup>	No	*The rule provides an overview of requirements covered in the National Primary Drinking Water Regulations for lead and copper. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule was amended in 2012 and is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.020 - Applicability of Corrosion Control Treatment Steps to Small, Medium-Size, and Large Water Systems	4/30/2002	Yes*	No**	No**	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes deadlines for public water systems to complete corrosion control treatment as required and to conduct associated monitoring. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.030 - Description of Corrosion Control Treatment Requirements	4/30/2002	Yes*	No**	No**	No***	No***	NA	Yes <sup>t</sup>	No	*The rule describes the corrosion control treatment requirements which are applicable to all water systems under the Safe Drinking Water Regulations. **The rule was amended in April 2002 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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<b>10 CSR 60-15.040 - Source Water Treatment Requirements</b>	5/30/2012	Yes*	No**	No**	No***	No***	NA	Yes <sup>t</sup>	No	*The rule describes the required corrosion control treatment steps for a systems source water and establishes treatment requirement deadlines. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-15.050 - Lead Service Line Replacement Requirements</b>	5/30/2012	Yes*	No**	No**	No***	No***	NA	Yes <sup>t</sup>	No	*The rule establishes requirements for the removal of lead service lines if lead action levels are exceeded and corrosion control efforts and source water treatment are unsuccessful in lowering the lead concentration levels in tap samples. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-15.060 - Public Education Requirements</b>	5/30/2012	Yes*	No**	No**	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes the monitoring requirements that are applicable to lead and copper in drinking water. **Rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule was amended in 2012 and is required for the State to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> The specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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2016

### Public Drinking Water Program

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
<b>10 CSR 60-15.070 - Monitoring Requirements for Lead and Copper in Tap Water</b>	5/30/2012	Yes*	No**	No**	No***	No***	NA	Yes <sup>t</sup>	No	*The rule establishes the monitoring requirements that are applicable to lead and copper in drinking water. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-15.080 - Monitoring Requirements for Water Quality Parameters</b>	5/30/2012	Yes*	No**	No**	No***	No***	NA	Yes <sup>t</sup>	No	*The rule establishes the procedure and requirements for monitoring drinking water to determine how corrosive the water is to the distribution system. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****Rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
<b>10 CSR 60-15.090 - Monitoring Requirements for Lead and Copper in Source Water</b>	5/30/2012	Yes*	No**	No**	No***	No***	NA	Yes <sup>t</sup>	No	*The rule establishes monitoring requirements for lead and copper in source waters. **Rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. <sup>t</sup> Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

## Missouri Department of Natural Resources Rule Review

2016

### Public Drinking Water Program

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
<b>10 CSR 60-16.010 - Levy and Collection of the Missouri Primacy Fee</b>	8/9/1993	Yes*	No**	No	No**	No***	NA	Yes <sup>t</sup>	No	*The rule levies and establishes the amount of the annual Missouri primacy fee and describes the method for billing, collection and delinquent payment of the fee. **In 2012, the Missouri legislature amended the Safe Drinking Water Act with a revision to the primacy fee structure. ***The rule was promulgated to maintain primacy from EPA for the purpose of complying with the federal Safe Drinking Water Act. ****The rule should be amended to reflect the current primacy fee structure in the Missouri Safe Drinking Water Act. This may reduce issues with public water systems failing to submit the correct amount of fees to the department. <sup>t</sup> The rule may affect small business; the fees are only applicable to community water systems however, those customers that may be connected to the system may be small businesses.
<b>10 CSR 60-16.020 - Laboratory Certification Fee</b>	8/9/1993	Yes*	No**	No	No**	No***	NA	Yes <sup>t</sup>	No	*The rule establishes fees for the certification of laboratories to conduct chemical testing of drinking water. **Missouri's Safe Drinking Water Act, Section 640.100.3, authorizes the laboratory certification fee. ***The rule was promulgated to maintain primacy from EPA for the purpose of complying with the federal Safe Drinking Water Act. ****Section 640.100.5, RSMo., was revised in 2012 however the rule was not updated to reflect these changes. <sup>t</sup> The rule may affect small business. Labs are certified to analyze public drinking water samples for contaminants.
<b>10 CSR 60-16.030 - Laboratory Services and Program Administration Fees</b>	11/30/1994	Yes*	No**	No	No**	No***	NA	Yes****	No	*The rule levies and sets the amount of the annual laboratory services and program administration fees and describes the method of remitting the fee to the Department. **Missouri's Safe Drinking Water Act, Section 640.100.3, authorizes laboratory services and program administration fees. ***The rule was promulgated to maintain primacy from EPA for the purpose of complying with the federal Safe Drinking Water Act. ****The rule may affect small business, however, the fee required for lab certification ensures the public are drinking safe water.

# Missouri Department of Natural Resources Rule Review

2016

## Soil & Water Conservation Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Soil & Water Conservation Program							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
30										
10 CSR 70-1.010 - Organization	5/30/2008	Yes	Yes*	No	No	No	N/A	No	No	*Need to update contact information in part (2).
10 CSR 70-2.010 - Conduct of Referendums	12/17/1955	Yes	Yes*	Yes*	Yes	Yes	N/A	No	No	*There are now methods of electronic voting which make this rule obsolete. Revisions are also needed because the methods in the statutes are not only ineffective and outdated, but very restrictive. The continued existence of this rule is needed to ensure open and fair elections are conducted for locally-elected soil and water conservation district board supervisors. Amendments are needed to reduce complexity and increase voter turnout. Statutory amendments may be needed first.
10 CSR 70-2.020 - Conduct of Supervisor Elections	8/27/1987	Yes	Yes*	Yes*	No	Yes	N/A	No	No	*No amendments have been made since 1987. Terminology and voting methods are out of date.
10 CSR 70-3.010 - Formation of Soil and Water Conservation Subdistricts	8/22/1957	Yes	Yes*	Yes*	Yes*	Yes	N/A	No	No	*This rule is out of date and will be reviewed for necessary amendments.
10 CSR 70-4.010 - Definitions	4/11/1983	Yes	Yes*	No	No	Yes	N/A	No	No	*This rule is out of date and will be reviewed for necessary amendments.
10 CSR 70-5.010 - Apportionment of Funds	5/30/2008	Yes	Yes*	No	No	Yes	N/A	No	No	*The continued existence of this rule benefits agricultural landowners by providing financial incentives and guidance to install conservation practices to prevent soil erosion and protect water quality. This rule also benefits all citizens because reduced sediment runoff from fields leads to cleaner water and more productive farmland. The release of funds for apportionment is obsolete since funds are moved electronically.
10 CSR 70-5.020 - Application and Eligibility for Funds	10/30/1999	Yes	Yes*	No	No	Yes	N/A	No	No	*Terminology and forms are outdated as is the reference to the SALT program.
10 CSR 70-5.030 - Design, Layout and Construction of Proposed Practices; Operation and Maintenance	4/11/1983	Yes	Yes*	No	No	Yes	No**	No	No	*Terminology used for technical standards and specifications is outdated. **Incorporations by reference will be updated to comply with Section 536.031, RSMo.
10 CSR 70-5.040 - Cost-Share Rates and Reimbursement Procedures	1/30/2009	Yes	Yes*	No	No	Yes	N/A	No	No	*Documentation of costs has changed and forms described are obsolete.

# Missouri Department of Natural Resources Rule Review

2016

## Soil & Water Conservation Program

Number of Rules Reviewed	Date of Adoption or Last Amendment	Soil & Water Conservation Program							Comments received?	Department Comments
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<b>10 CSR 70-5.050 - District Administration of the Cost-Share Program</b>	4/9/1992	Yes	Yes*	No	No	Yes	N/A	No	No	*Forms and process for tracking cost-share described are obsolete.
<b>10 CSR 70-5.060 - Commission Administration of the Cost-Share Program</b>	9/30/1996	Yes	Yes*	No	No	Yes	No**	No	No	*Forms and process for payment of cost-share described are obsolete. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.
<b>10 CSR 70-6.010 - Watershed Subdistrict Tax Levy Referendums</b>	10/11/1984	Yes	Yes*	Yes*	No	Yes	N/A	No	No	*The rule is obsolete and may be in conflict with Missouri's prohibition against levying taxes without voter approval. The Department intends to review the rule on that basis.
<b>10 CSR 70-7.100 - Availability and Apportionment of Funds</b>	2/17/1988	No*	Yes	No	No	Yes	N/A	No	No	*State Loan Interest-Share Program is no longer available. In 2009, the Commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013. 7.100 to 7.150 should be rescinded.
<b>10 CSR 70-7.110 - Application and Eligibility for Funds</b>	6/15/1988	No*	Yes	No	No	Yes	N/A	No	No	*See previous comment.
<b>10 CSR 70-7.120 - Design, Layout and Construction of Proposed Practices and Projects - Operation and Maintenance</b>	2/17/1988	No*	Yes	No	No	Yes	N/A	No	No	*See previous comment.
<b>10 CSR 70-7.130 - Loan Interest-Share Application - Eligibility of Costs - and Reimbursement Procedures</b>	2/17/1988	No*	Yes	No	No	Yes	N/A	No	No	*See previous comment.
<b>10 CSR 70-7.140 - District Administration of the Loan Interest-Share Program</b>	4/9/1992	No*	Yes	No	No	Yes	N/A	No	No	*See previous comment.
<b>10 CSR 70-7.150 - Process and Commission Administration of the Loan Interest-Share Program</b>	2/17/1988	No*	Yes	No	No	Yes	N/A	No	No	*See previous comment.
<b>10 CSR 70-8.010 - Commission Administration of the SALT Program and Apportionment of SALT Funds</b>	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	*The SALT Program is no longer available as a standalone program. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

# Missouri Department of Natural Resources Rule Review

2016

## Soil & Water Conservation Program

Soil & Water Conservation Program											Comments received?	Department Comments
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Number of Rules Reviewed		Date of Adoption or Last Amendment										
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10 CSR 70-8.020 - Application and Eligibility for SALT Cost-Share Funds	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.030 - Design, Layout and Construction of SALT Proposed Practices - Operation and Maintenance	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.040 - SALT Cost-Share Rates and Reimbursement Procedures	1/30/2009	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.050 - District Administration of the SALT Cost-Share Program	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.060 - Commission Administration of the SALT Cost-Share Program	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.070 - Availability and Apportionment of SALT Loan Interest-Share Funds	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.080 - Application and Eligibility for SALT Loan Interest-Share Funds	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.090 - Design, Layout and Construction of Proposed Water Quality Practices and Projects - Operation and Maintenance for SALT Loan	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.100 - SALT Loan Interest-Share Application - Eligibility of Costs - and Reimbursement Procedures	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.110 - District Administration of the SALT Loan Interest-Share Program	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	
10 CSR 70-8.120 - Process and Commission Administration of the SALT Loan Interest-Share Program	6/30/2003	No*	Yes	Yes	Yes	Yes	N/A	No	No	No	*See previous comment.	

# Missouri Department of Natural Resources Rule Review

2016

## Solid Waste Management Program

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25										
10 CSR 80-1.010 - General Organization	1/13/1994	Yes	No	No	No	No	N/A	No	No	
10 CSR 80-2.010 - Definitions	8/30/1997	Yes*	No	Yes**	No	No	N/A	Yes***	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its statutory purpose. **Portions of this rule repeat existing regulatory definitions. ***This rule provides definitions for various regulatory terms, ensuring that solid waste disposal activities do not pose a risk to human health and the environment.
10 CSR 80-2.015 - Preliminary Site Investigation, Detailed Site Investigation Work-plan, and Detailed Site Investigation and Characterization Report	2/28/2007	Yes	No	No	No	No	N/A	Yes*	No	*This rule ensures that landfills are constructed in appropriate areas where the landscape minimizes the risk of contaminants leaving the site.
10 CSR 80-2.020 - Permit Issuance, Construction Permits, Operating Permits, Emergency Permits, and Exemptions	8/30/1997	Yes*	No	Yes **	No	No	N/A	Yes***	No	*Portions of the rule language repeat existing statutory language and are not necessary. **Portions of the rule overlap with local solid waste regulations that require landfills obtain a permit from the local authority. ***This rule serves the public interest by describing the documents and demonstrations applicants need to complete in order to receive a permit. Additionally, this rule provides a process for persons to receive permit exemptions for certain beneficial uses of otherwise solid waste.
10 CSR 80-2.030 - Solid Waste Disposal Area Closure, Post-Closure Care and Corrective Action Plans and Procedures with Associated Financial Assurance Requirements	7/30/1997	Yes	No	Yes*	No	No	No**	Yes***	No	*This rule may overlap with local solid waste regulations. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ***This rule ensures there are sufficient financial resources in place for the Department to complete closure or other actions at landfills if the owner/operator fails to so.
10 CSR 80-2.040 - Administrative Penalty Assessment	12/30/1999	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary for the Department to be able to effectively and appropriately assess administrative penalties when warranted to protect human health and the environment.
10 CSR 80-2.050 - Suspension of Permits	8/1/1988	No*	No	No	No	No	N/A	No**	No	*This rule restates an existing statutory provision and thus is not necessary. **Since this rule is simply a restatement of existing law, it adds no additional impacts on small businesses.

# Missouri Department of Natural Resources Rule Review

2016

## Solid Waste Management Program

			1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
10 CSR 80-2.060 - Certified Solid Waste Technician	8/1/1988	Yes	No	No	No	Yes*	N/A	Yes**	No	*The rule needs to be amended to remove certain testing requirements that are no longer applicable due to technological changes. **This rule protects the public's interest in ensuring that operators of landfills have adequate training.	
10 CSR 80-2.070 - Violation History	8/30/1997	Yes	No	No	Yes*	Yes*	N/A	Yes**	No	*The current rule requires the submittal of extensive personal information that is not necessary for the Department to complete its review. **This rule serves a public purpose in ensuring that a person who has habitually violated the environmental laws cannot operate a landfill.	
10 CSR 80-2.080 - Tonnage Fees	3/14/1991	Yes	No	No	No	No	N/A	Yes*	No	*This rule serves a public purpose by implementing the tonnage fee established by statute. Among other things, the fee revenue funds the Department's oversight of landfills to protect human health and the environment, the operations of the Solid Waste Management Districts, and numerous grants for recycling and other reuse programs that reduce the amount of solid waste going to landfills.	
10 CSR 80-3.010 -[Sanitary Landfill]-Design and Operation	8/30/1998	Yes	Yes*	Yes**	No	No	No**	Yes***	No	*The rule was last modified on July 30, 1997, and some parts of the rule are obsolete and require modification. Also, technological advances in the solid waste management field necessitate further changes. **Portions of this rule overlaps with state air regulations and may overlap with local solid waste regulations. ***The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ****This rule serves a public purpose by placing requirements on the design and operation of landfills.	
10 CSR 80-4.010 -[Demolition Landfill]-Design and Operation	8/30/1998	Yes	Yes*	Yes**	No	No	No**	Yes***	No	*The rule was last modified on August 30, 1998, and some parts of the rule are obsolete and require modification. Also, technological advances in the solid waste management field necessitate further changes. **Portions of this rule may overlap with local solid waste regulations. ***The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ****This rule serves a public purpose by placing requirements on the design and operation of landfills.	

# Missouri Department of Natural Resources Rule Review

2016

## Solid Waste Management Program

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10 CSR 80-5.010 -[Processing Facility]-Design and Operation	8/30/1997	Yes		Yes*	Yes**	No	No	No**	Yes***	No	*The rule requires modification to modernize rule language and specify requirements applicable to the different types of processing facilities, such as transfer stations, material recovery facilities, and compost facilities. **Portions of this rule may overlap with local solid waste regulations. ***The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMO. ****This rule serves a public purpose by placing requirements on the design and operation of processing facilities.	
10 CSR 80-6.010 - Local Solid Waste Management	8/1/1988	Yes		No	No	No	Yes*	N/A	No	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its statutory purpose. Additionally, certain aspects of the rule require the submittal of unnecessary paperwork. Nevertheless, this rule is necessary to protect the public from improperly stored scrap tires which pose a environmental and public health hazard.	
10 CSR 80-7.010 - Infectious Waste Management	8/30/1998	Yes		No	Yes*	No	No	No**	Yes***	No	*This regulation overlaps with some local rules as well as rules promulgated by the Department of Health and Senior Services. ** The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMO. ***This rule serves a public purpose in prescribing standards for the management and treatment of infectious waste to protect human health and the environment.	
10 CSR 80-8.020 - Scrap Tire Collection Centers	9/30/2007	Yes*		No	No	No	Yes**	Yes	Yes***	No	*Portions of the rule language repeat existing statutory language and are not necessary for the rule to accomplish its statutory purpose. **Certain aspects of the rule require the submittal of unnecessary paperwork. ***This rule is necessary to protect the public from improperly stored scrap tires which pose a environmental and public health hazard.	
10 CSR 80-8.030 - Scrap Tire Hauler Permits	9/30/2007	Yes		No	No	No	Yes*	N/A	Yes**	No	*Certain aspects of the rule require the submittal of unnecessary paperwork. **This rule is necessary to protect the public from improperly stored scrap tires which pose a environmental and public health hazard.	
10 CSR 80-8.050 - Scrap Tire Processing Facility Permits	9/30/2007	Yes		No	No	No	Yes*	Yes	Yes**	No	*Certain aspects of the rule require the submittal of unnecessary paperwork. **This rule is necessary to protect the public from improperly stored scrap tires which pose a environmental and public health hazard.	
10 CSR 80-8.060 - Scrap Tire End-User Facility Registrations	9/30/2007	Yes		No	No	No	Yes*	Yes	Yes**	No	*Certain aspects of the rule require the submittal of unnecessary paperwork. **This rule is necessary to protect the public from improperly stored scrap tires which pose a environmental and public health hazard.	

# Missouri Department of Natural Resources Rule Review

2016

## Solid Waste Management Program

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10 CSR 80-9.030 - Scrap Tire Grants	9/30/2007	Yes	No	No	No	No	N/A	Yes*	No	*This rule makes scrap tire grants available to small businesses.		
10 CSR 80-9.035 - Scrap Tire Clean-Up Contracts	9/30/2007	Yes	No	No	No	No	N/A	Yes*	No	*This rule establishes transparency for the bid process for applicants to follow to seek grants and for the review process and criteria utilized by the Department.		
10 CSR 80-9.040 - Solid Waste Management Fund - Financial Assistance for Waste Reduction and Recycling Projects	8/31/2000	No*	Yes*	No	N/A	Yes*	No*	No*	No	*Senate Bill 225 (2005) eliminated the statute that formed the basis of this rule. The rule is no longer necessary.		
10 CSR 80-9.050 - Solid Waste Management Fund-District Grants	10/30/2007	Yes	No	No	Yes*	Yes*	No**	No	No	*The Department plans to review many of the submittal and other paperwork aspects of this rule to identify ways to eliminate unnecessary requirements while maintaining appropriate oversight. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.		
10 CSR 80-10.040 - Target Recycled Content Newsprint	6/7/1993	No*	Yes	No	No	Yes	N/A	No	No	*The passage of House Bill 1251 (2012) repealed the statutory requirement for the collection of the information from newspapers on the amount of recycled paper used. The Department will rescind this rule.		
10 CSR 80-11.010 - Utility Waste Landfill-Design and Operation	7/30/1997	Yes	No	Yes*	No	No	No**	Yes***	No	*A recent federal rulemaking, 40 CFR Part 257, substantially duplicates the state rule. The Department is reviewing its ability to obtain authority to implement the federal rule. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. ***This rule serves a public purpose by placing requirements on the design and operation of landfills.		

# Missouri Department of Natural Resources Rule Review

2016

## Division of State Parks

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Questions							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
16	7/23/1987	Yes	No*	No	No**	No	No***	No	No	*The rule is not obsolete, but the Division name and address need to be updated and the sentence regarding the inclusion of the word recreation in the Division title should be removed. **No, however, the rule should be updated as discussed in # 1. ***3(K) references the ADA but does not comply with 536.031, RSMo. The Department plans to update this incorporation by reference.
10 CSR 90-1.010 - General Organization	6/30/2001	Yes	No*	No	No	No	N/A	No	No	*Some of the definitions need to be modified to better reflect the current practices of the Division.
10 CSR 90-2.020 - Park Management	6/30/2001	Yes	No	No	No	No	No*	No	No	(4) Public Speeches, Gatherings, Performances, etc. references the Division's policy manual but does not comply with 536.031, RSMo. The Department plans to update this incorporation by reference.
10 CSR 90-2.030 - Camping and Recreational Activities	6/30/2001	Yes	No*	Yes**	No	No	No***	No	No	*The rule is not obsolete but does need a number of revisions. **(26)(A) may overlap state rules regarding smoking in state buildings. ***The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.
10 CSR 90-2.040 - Park Property	6/30/2001	Yes	No	Yes*	Yes**	No	No***	No	No	*10 CSR 90-2.040(8) likely overlaps with MODOT and federal rules regarding bridge load limits. **The Department is evaluating whether (7) and (8) could be removed. ***The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.
10 CSR 90-2.050 - Organized Group Camps	6/30/2001	Yes	No	No	No	No	No*	No	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.
10 CSR 90-2.060 - Organized Group Center	6/30/2001	Yes*	Yes**	No	No	No	N/A	No	No	*The table of contents listing for this rule is incorrect ("Outdoor Education" should be "Organized Group Center"). **The Department plans to update this rule to reflect current practices.

# Missouri Department of Natural Resources Rule Review

2016

## Division of State Parks

		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
<b>10 CSR 90-2.070 - Fencing on Park-Owned Property</b>	6/30/2001	Yes	Yes*	Yes**	Yes***	Yes	No****	Yes <sup>t</sup>	No	*The rule needs to be updated to reflect current program names and Division practices, particularly with respect to fencing requests along the Katy Trail. **This rule may not comply with state fencing law in terms of division of cost and labor as well as maintenance of the fence. ***The rule needs to give the Division more discretion to fence lands for reasons other than livestock intrusion. ****The rule references a fencing request form but does not provide the form in the rule. <sup>t</sup> The public purpose of protecting park visitors justifies the continued existence of the rule.
<b>10 CSR 90-3.010 - Definitions-- Revolving Fund</b>	1/15/1993	Yes	No	No	No	No	N/A	No	No	
<b>10 CSR 90-3.020 - Acquisition of Historic Property</b>	1/15/1993	Yes*	No**	No	No	No	N/A	No	No	*The Department has properties and property interests acquired with the fund. **The rule is not yet obsolete, but the Department is evaluating potential changes to the program to no longer acquire properties and property interests with the fund. If this change is implemented, the rule would become obsolete.
<b>10 CSR 90-3.030 - Procedures for Making Loans</b>	1/15/1993	Yes	No	No	No	No	N/A	No	No	
<b>10 CSR 90-3.040 - Acceptance of Donations</b>	1/15/1993	Yes	No	No	No	No	N/A	No	No	
<b>10 CSR 90-3.050 - Definitions-- Grants</b>	11/30/1994	Yes	Yes*	No	No	No	N/A	No	No	*Certain aspects of this rule are obsolete. The Department plans to update this rule.
<b>10 CSR 90-3.060 - Development of Grant Priorities</b>	11/30/1994	Yes	Yes*	No	No	Yes	N/A	No	No	*Certain aspects of this rule are obsolete. The Department plans to update this rule.
<b>10 CSR 90-3.070 - Procedures for Open Selection of Historic Preservation Fund Grant Projects</b>	11/30/1994	Yes	Yes*	No	Yes**	Yes***	N/A	No	No	*Certain aspects of this rule are obsolete. The Department plans to update this rule. **This rule does not reflect the current procedure followed by the Division and needs to be revised to reflect the more streamlined process. ***This rule requires the Department to process paperwork that is not required by federal law and is not necessary to accomplish the purpose of the rule.
<b>10 CSR 90-3.080 - Procedures for the Awarding of Historic Preservation Fund Grants</b>	11/30/1994	Yes	Yes*	No	No	No	N/A	No	No	*Sections 10.C and D are obsolete. The Department plans to update this rule.



ERIC R. GREITENS

GOVERNOR

CAROL R. EIGHMEY

EXECUTIVE DIRECTOR

May 23, 2017

Waylene Hiles, Director (via USPS and email to: [waylene.hiles@senate.mo.gov](mailto:waylene.hiles@senate.mo.gov))  
Joint Committee on Administrative Rules  
State Capitol, Room B8  
Jefferson City, MO 65101

Dear Ms. Hiles:

As required by section 536.175, RSMo, the Board of Trustees for the Petroleum Storage Tank Insurance Fund has completed a review of its rules. Enclosed please find our report, which was formally approved by the Board at its meeting on May 17, 2017.

Should you have questions, please contact our executive director, Carol Eighmey, at [pstif@sprintmail.com](mailto:pstif@sprintmail.com) or 573-522-2352.

Sincerely,

A handwritten signature in black ink that reads "James Greer".

James Greer  
Chairman, PSTIF Board of Trustees

ENCLOSURE

CRE/drj



**Petroleum Storage Tank Insurance Fund**

P.O. BOX 836 • JEFFERSON CITY, MO 65102 • PHONE (573) 522-2352 • FAX (573) 522-2354

<b>Rule Number</b>	<b>Rule Title</b>	<b>Date of Adoption or Last Amendment</b>	<b>Is rule necessary?</b>	<b>Is rule obsolete?</b>	<b>Does rule overlap, duplicate or conflict with other rules?</b>	<b>Can a less restrictive rule accomplish same purpose?</b>	<b>Can rule be modified to reduce regulatory burden or eliminate paperwork?</b>	<b>Does the rule properly incorporate material by reference?</b>	<b>For rules affecting small business: does the public purpose or interest for adopting justify continued existence of rule?</b>	<b>Appendix included? (For rules receiving public comment)</b>	<b>Page number of Report for Response</b>	<b>Number of Comments received on rule</b>
10 CSR 100-1.010	Organization	11/30/1999	Yes	No	No	No	NA	Yes	Yes	NA	NA	0
10 CSR 100-2.010	Definitions	3/30/2013	Yes	No	No	No	NA	Yes, but may revise to eliminate unnecessary definitions	Yes	NA	NA	0
10 CSR 100-3.010	Transport Load Fee	5/30/2004	Yes	No	No	No	No	Yes	Yes	NA	NA	0
10 CSR 100-4.010	Participation Requirements for Underground Storage Tanks	3/30/2013	Yes	No	No	No	Yes	Yes	Yes	Yes; see report and appendix	3	1
10 CSR 100-4.020	Participation Requirements for Aboveground Storage Tanks	3/30/2013	Yes	No	No	No	Yes	Yes	Yes	Yes; see report and appendix	4	1
10 CSR 100-5.010	Claims for Cleanup Costs	3/30/2015	Yes	No, but references to old deadlines may be removed	No	No	No	Yes	Yes	Yes; see report and appendix	5	2 comments from same person
10 CSR 100-5.020	Claims Appeal Procedures	11/30/1999	Yes	No	No	No	No	Yes	Yes	NA	NA	0
10 CSR 100-5.030	Third-Party Claims	11/30/1999	Yes	No	No	No	NA	One update to another rule is needed	Yes	NA	NA	0
10 CSR 100-6.010	UST Operator Training	3/30/2015	Yes	No	No	No	No	Yes	Yes	NA	NA	0

**Report to the Joint Committee on Administrative Rules  
From the Board of Trustees for the  
Petroleum Storage Tank Insurance Fund  
May 17, 2017**

Each rule was evaluated using the eight criteria in section 536.175, RSMo. The results are presented below:

**10 CSR 100-1.010 Organization**

- 1) The rule is still necessary; it contains information the board is required by law to publish.
- 2) Though it has been in effect since 1999, the rule is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Not applicable; the rule imposes no requirements.
- 6) The one statutory citation in the rule is accurate; no other text is incorporated by reference.
- 7) The rule assists small businesses and others in understanding the governance structure of the PSTIF and how to request information.
- 8) No comments were received.

**10 CSR 100-2.010 Definitions**

- 1) The rule is necessary; it imposes no requirements.
- 2) The rule has been timely amended to include new terms as the board's other rules have been amended. Two potential minor clarifications were identified during staff's internal review; the board will decide whether to make those changes in the next twelve months.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Not applicable; the rule imposes no regulatory burden.

- 6) The rule currently incorporates definitions contained in 10 CSR 26-2.012, which was amended in early 2017. The board will decide in the next twelve months whether to eliminate this reference and instead explicitly define all terms used in its rules.
- 7) The rule assists small businesses and others in understanding the PSTIF Board of Trustees' operations.
- 8) No comments were received.

### **10 CSR 100-3.010 Transport Load Fee**

- 1) The rule encapsulates information found in statute about the board of trustees, its authority to impose this fee, statutory limitations on the fee, and the board's fiduciary responsibilities. While the board of trustees could still operate under its statutory authority if this rule did not exist, it is the board's judgment that retaining the rule is helpful to the public.
- 2) The rule was last amended in response to statutory changes made by the Missouri General Assembly. It is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) The rule is relatively brief; no alternative language or means of shortening it were identified.
- 5) The rule imposes no requirements beyond the explicit statutory requirement to pay the fee.
- 6) Statutory citations in the rule are accurate; no other text is incorporated by reference.
- 7) The rule imposes no requirements on small businesses beyond the statutory requirement to pay the fee.
- 8) No comments were received and no changes were identified during its internal review of the rule.

### **10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks**

- 1) The rule is necessary to explain how owners and operators of underground tanks can obtain insurance coverage from the PSTIF.
- 2) The rule has been amended four times since originally promulgated in 1999. The board's staff identified two wording changes which could clarify the board's operating

practices; the board will decide in the next twelve months whether to make those changes.

- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Subsection (1)(D) of the rule specifies what documents must be submitted by UST owners/operators to obtain insurance coverage and/or renew it annually. The board has been diligent about coordinating its paperwork requirements with the DNR to avoid duplication. The DNR amended its UST rules in early 2017 and increased recordkeeping requirements for UST owners, so the board is currently re-evaluating its procedures and will finalize decisions in the next twelve months. The board will continue to coordinate with the DNR to assure the DNR and the PSTIF do not require duplicative paperwork from UST owners/operators.

In addition, the board identified one change that would reduce the paperwork burden when tank owners and operators renew their coverage; the rule will be amended in the next twelve months to incorporate this change.

- 6) Statutory and regulatory citations in the rule are accurate; no other text is incorporated by reference.
- 7) Small businesses benefit from being able to obtain affordable pollution liability insurance from the PSTIF; the continued existence of the rule is justified.
- 8) COMMENT: One comment was received from the Department of Natural Resources (DNR), suggesting the board continue insuring empty tanks for an indefinite period of time by deleting subsection (6)(F).

RESPONSE: In 2011, the DNR amended its UST rules to require site assessments within one year after an underground tank is emptied and to require empty USTs to be removed within five years. In coordination with the DNR, the board subsequently amended its rules to extend the period of time an owner/operator can preserve the opportunity to make a claim – i.e., the board extended that timeframe from six months to the five years specified in the DNR's rule. This is far more generous than any commercial insurer and allows ample opportunity for claims to be made. Further, the board believes it would be financially imprudent to extend the liability of the trust fund indefinitely after tanks are emptied and can no longer leak. Therefore, the board does not intend to change its rule in response to this comment.

## **10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks**

- 1) The rule is necessary to explain how owners and operators of aboveground tanks can apply for and obtain insurance coverage from the PSTIF.

- 2) The rule has been amended five times since originally promulgated in 1999. The board's staff identified one change that may clarify the board's operating policies; the board will decide in the next twelve months whether to make that change.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) One option for reducing paperwork was identified. The board will amend the rule in the next twelve months.
- 6) Statutory and regulatory citations in the rule are accurate; no other text is incorporated by reference.
- 7) Small businesses benefit from being able to obtain affordable pollution liability insurance from the PSTIF; the continued existence of the rule is justified.
- 8) COMMENT: One comment was received from the Department of Natural Resources (DNR), suggesting the board continue insuring empty tanks for an indefinite period of time by deleting subsection (6)(F).

**RESPONSE:** The board's rule for AST owners/operators matches the board's rule for UST owners/operators discussed above. I.e., the board allows insured owners/operators to preserve their opportunity to make a claim for five years after their insured tanks are emptied; this is significantly more generous than commercial insurers. The board believes this is an adequate period of time for the facility owner to make business decisions about the property and that it would be financially imprudent to extend the liability of the trust fund indefinitely. Therefore, the board does not plan to change its rule in response to this comment.

## **10 CSR 100-5.010 Claims for Cleanup Costs**

- 1) The rule remains necessary.
- 2) The rule has been amended three times since initially promulgated in 1999. During its internal review, the board identified informational statements in the rule related to activities that occurred in the 1990's; while the statements are still accurate, they may no longer be necessary, given the passage of time. The board will decide in the next twelve months whether to remove these references.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) No opportunities to amend the rule to reduce paperwork were identified.

- 6) Statutory and regulatory citations in the rule are accurate; no other text is incorporated by reference.
- 7) Significant economic benefits accrue to all Missourians, including small businesses, from the board's reimbursement of costs to clean up tank sites; the continued existence of the rule is justified.
- 8) Two comments were received from the Department of Natural Resources (DNR).

**COMMENT:** The first comment suggests an amendment to paragraph (4)(B)3 and relates to the DNR's comments on 10 CSR 100-4. DNR suggests the board require owners/operators to maintain participation in the trust fund until all previously-insured tanks at the site are permanently closed, regardless of how long the tanks are empty.

**RESPONSE:** As discussed above, the DNR's suggestion would obligate the board and the trust fund indefinitely for properties where tanks have not been used for many years. The board does not believe it is fiscally prudent or necessary to grant a perpetual right to make a claim for a property where it previously insured a tank owner or operator who was actively storing fuel in tanks.

It is worth noting that, in 319.131.9 and 319.131.10, RSMo, the General Assembly specified that the trust fund is liable for cleanup of a finite group of properties *where tanks were emptied by December 31, 1997*. The trustees find no statutory basis for assuming the General Assembly granted them authority to expand this group of properties indefinitely to include all sites where tanks are emptied on any subsequent date.

Further, the board notes there is no definition of what "permanently closed" means for aboveground tanks; therefore, amending this rule as suggested by the DNR would make the meaning of the rule unclear.

Finally, it is noted the General Assembly has authorized the Departments of Natural Resources and Agriculture to promulgate financial responsibility requirements for tank owners, not the PSTIF Board of Trustees. The board believes amending its rule as DNR suggests might exceed its statutory authority and usurp authorities granted to other state agencies.

For these reasons, the board does not plan to change its rule in response to this comment.

**COMMENT:** The DNR's second comment suggests language be added to the rule declaring certain costs eligible.

**RESPONSE:** The board believes the proposed additional language is unnecessary and would be redundant. The board's rules already specify payment will be made for "eligible, reasonable, and necessary costs incurred to characterize the extent of and

assess the risks posed by...a release from a petroleum storage tank" and costs incurred for corrective actions taken in accordance with state or federal regulations in response to a release from a petroleum storage tank." Therefore the board does not plan to change its rule in response to this comment.

### **10 CSR 100-5.020 Claims Appeal Procedure**

- 1) The rule provides a means for resolving disputes over the amount of money reimbursed by the board's staff and agents without employing an attorney. It has worked well and has been used 785 times in the twenty years of the board's existence, during which time more than 21,000 claim checks have been issued. Therefore, the rule remains necessary as long as the General Assembly wants the board to continue operating.
- 2) Though it has been in effect since 1999, the rule is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Other than deadlines for appeal, the rule imposes no requirements. The board believes the deadlines are reasonable. Please note the rule also specifies deadlines for response by the board and its staff.
- 6) The one statutory citation is accurate; no other text is incorporated by reference.
- 7) As noted in #1 above, the rule provides a benefit by establishing an explicit procedure for exhausting administrative remedies, thus benefiting all Missourians, including small businesses.
- 8) No comments were received and no changes were identified by the board of trustees during its internal review.

### **10 CSR 100-5.030 Third-Party Claims**

- 1) The rule remains necessary.
- 2) Though it has been in effect since 1999, the rule is not obsolete.
- 3) The rule does not overlap with duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) The rule is mostly informative; it imposes no particular regulatory burdens.

- 6) The reference to one section of 10 CSR 100-5.010 needs to be updated; the board will do so in the next twelve months. No other text is incorporated by reference.
- 7) The rule contains reasonable and flexible procedural requirements for accessing third party claim coverage provided by the board. Most other limitations in the rule explicitly match those specified in state law.
- 8) No comments were received.

### **10 CSR 100-6.010 UST Operator Training**

- 1) The rule remains necessary.
- 2) The rule is relatively new, having been originally promulgated in 2015 in response to legislation enacted by the General Assembly in 2011. One clarification was identified during internal review and will be made in the next twelve months.
- 3) The rule does not overlap with duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) The rule was initially designed to minimize the regulatory burden and cost imposed on underground storage tank owners and operators. Experience indicates it has done so; no opportunities for improvement in that regard were identified.
- 6) Regulatory citations in the rule are accurate; no other text is incorporated by reference.
- 7) Unless/until federal requirements are changed, the continued existence of the rule is necessary to maintain the State's primacy in regulating underground storage tanks.
- 8) No comments were received.

# **COMMENTS RECEIVED**

## PSTIF

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**From:** Spears, Tami <tami.spears@dnr.mo.gov>  
**Sent:** Thursday, September 08, 2016 9:01 AM  
**To:** PSTIF Office  
**Cc:** Katich Mudd, Julia; Miller, Marty; Smith, Lorisa  
**Subject:** Periodic Rule Review Comment Received - 10 CSR 100-4.010, 100-4.020, 100-5, & 100-5.010

Hi, Carol. Provided below are comments the Department received related to 10 CSR 100-4.010 UST Participation Requirements, 10 CSR 100-4.020 AST Participation Requirements, 10 CSR 100-5 (4)(B)3 Claims, & 10 CSR 100-5.010 Claims. Please review the comments & prepare a response for General Counsel's Office review. Thank you for your efforts concerning this matter.

Tami Spears  
Executive Assistant  
Missouri Department of Natural Resources  
General Counsel's Office  
P.O. Box 176  
Jefferson City, MO 65102-0176  
(573) 751-0323 Office  
(573) 526-3444 Fax  
[tami.spears@dnr.mo.gov](mailto:tami.spears@dnr.mo.gov)

*Promoting, Protecting and Enjoying our Natural Resources. Learn more at [dnr.mo.gov](http://dnr.mo.gov).*

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**From:** Miller, Marty  
**Sent:** Wednesday, September 07, 2016 7:43 PM  
**To:** Spears, Tami  
**Subject:** Fwd: 5-year review rule comments

Begin forwarded message:

**From:** "Tippett Mosby, Leanne" <[Leanne.TippettMosby@dnr.mo.gov](mailto:Leanne.TippettMosby@dnr.mo.gov)>  
**Date:** August 31, 2016 at 5:35:17 PM CDT  
**To:** "Miller, Marty" <[marty.miller@dnr.mo.gov](mailto:marty.miller@dnr.mo.gov)>  
**Cc:** "Sturgess, Steve" <[steve.sturgess@dnr.mo.gov](mailto:steve.sturgess@dnr.mo.gov)>, "Schmidt, Aaron" <[aaron.schmidt@dnr.mo.gov](mailto:aaron.schmidt@dnr.mo.gov)>, "Koon, Ken" <[ken.koon@dnr.mo.gov](mailto:ken.koon@dnr.mo.gov)>, "Luther, Laura" <[laura.luther@dnr.mo.gov](mailto:laura.luther@dnr.mo.gov)>, "Veit, Chris" <[chris.veit@dnr.mo.gov](mailto:chris.veit@dnr.mo.gov)>  
**Subject:** RE: 5-year review rule comments

The Department's Division of Environmental Quality submits the following suggestions for consideration:

We recommend the entirety of 10 CSR 100-4.010 (6)(F) be deleted. Tanks Owners and operators should be required to maintain PSTIF coverage until the tanks are permanently removed from the ground. Requiring tank owners pay fees to remain in the PSTIF will encourage them, along with enforcement from DNR, to remove the tanks from the ground.

There is a corresponding language for AST's in 10 CSR 100-4.020(6)(F) that should also be eliminated. Although there are no closure requirements for ASTs, maintaining insurance until they are

removed will be more protective of the environment.

10 CSR 100-5 (4) (B) 3, should be modified as follows: “In order to maintain its status as an eligible site, the owner or operator of any petroleum storage tanks at the site must maintain participation in the fund ~~as long as such tanks are in use until such time as the tanks are permanently closed~~. Failure to do so shall result in the site becoming ineligible; costs incurred after the date of cancellation or nonrenewal of participation in the fund are not eligible. Should the owner or operator elect to participate in the fund again, he or she may become eligible under subsection (4)(A) for any new release.”

Lastly, a new section should be added to 10 CSR 100-5.010(8):

**“(G) All reasonable costs incurred in responding to a request or order from the Department of Natural Resources that are necessary to provide adequate site characterization, risk assessment, corrective action, or other relevant information are deemed eligible.”**

**(G) (H)**The board reserves the right to reject any proposed costs or estimates if, in the opinion of the board and at its sole discretion, such costs are ineligible, unreasonable, or unnecessary.”

## PERIODIC RULE REVIEW

## EIERA

Rule Number	Rule Title	Date of Adoption or Last Amendment	Is rule necessary	Is rule obsolete?	Does rule overlap, duplicate, or conflict with other rules?	Can a less restrictive or alternative rule accomplish same purpose?	Can rule be modified to reduce regulatory burden or eliminate unnecessary paperwork?	Does the rule properly incorporate material by reference?	For rules affecting small business: does the public purpose or interest for adopting justify continued existance of rule?
Division 130	State Environmental Improvement and Energy Resources Authority								
Chapter 1	Applications								
10 CSR 130-1.010	Definitions	11/28/1986	Y	N	N	N	N	NA	NA
10 CSR 130-1.020	Application Forms and Fees	11/28/1986	Y	N	N	N	N	NA	NA

**Appendix A-Comments  
received 7/1/16-8/31/16**

**Department of Natural Resources  
Periodic Rule Review Appendices  
Comments Received and Responses**

**AIR POLLUTION CONTROL PROGRAM**

**10 CSR 10-2.230 Control of Emissions From Industrial Surface Coating Operations**

COMMENT: The U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA) Kansas City Field Office (KCFO) submitted comments on the Kansas City area rule 10 CSR 10-2.230, Control of Emissions From Industrial Surface Coating Operations. NNSA considers the applicability of the rule overly conservative and burdensome in comparison to a similar rule for the St. Louis area and suggests clarifying confusing language. The commenter also points out that the difference in exemptions between the St. Louis and Kansas City gives St. Louis area businesses an unfair business advantage. In particular, NNSA pointed out that the addition of an exemption for military specification coatings to the Kansas City area rule would lead to fair competition when competing with St. Louis area businesses for military contracts. Finally, NNSA suggests additional language similar to that in the St. Louis area rule further clarifying the applicability of the rule.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program (air program) is reviewing NNSA's comments and considering various options. Due to inclusion of this rule in the Missouri State Implementation Plan (SIP), it is necessary to work with the Environmental Protection Agency (EPA) to ensure all changes to the rule maintain compliance with the SIP and other Clean Air Act requirements. The air program also considers how changes to rules affect all businesses subject to the rule and other stakeholders.

Clarification of language typically benefits all stakeholders; therefore, an amendment of the confusing language in the applicability section is highly likely. Change to the applicability requirement needs to be evaluated for its effect on the state's SIP obligation to maintain the current level of air quality protection. Finally, adding a new subsection further clarifying the applicability of the Kansas City rule is highly probable. The air program supports copying language from the St. Louis rule stating "the rule is only applicable to the surface coating of manufactured items intended for distribution in commerce to persons other than the person or legal entity performing the surface coating" to the Kansas City rule as suggested.

Overall, the emission limits in the General Provisions section of the St. Louis area rule are stricter than the Kansas City area rule. But, the St. Louis area rule provides several exemptions that are not equivalent in the Kansas City area rule. Exemptions generally pose a high hurdle for justification to ensure adequate of air quality protection. The addition of all the exemptions found in the St. Louis area rule to the Kansas City area rule is not possible without increasing the stringency of the emissions limitations in the General Provisions. The air program supports the inclusion of the single specific exemption requested. Adding the equivalent exemption for military specification coatings to the Kansas City area rule will remove the competitive disadvantage and ease the burden of complying with emission limitations while also ensuring the rule remains protective of air quality.

The air program appreciates comments from all stakeholders and looks forward to continued efforts with NNSA and EPA to finding the best possible solutions for all stakeholders while protecting air quality for the health, general welfare, and property of the citizens of Missouri.

### **10 CSR 10-6.062 Construction Permits by Rule**

**COMMENT:** The Boeing Company of St. Louis submitted a comment on 10 CSR 10-6.062, Construction Permits By Rule. The rule creates a process by which sources can be exempt from 10 CSR 10-6.060, Construction Permits Required, by establishing conditions under which specific sources can construct and operate. Boeing recommended adding a permit-by-rule category for industrial, commercial, and institutional (ICI) boilers and process heaters fueled exclusively with natural gas or liquefied petroleum gas with a capacity of 10 million Btu per hour heat input or greater, but less than 100 million Btu per hour.

**RESPONSE:** The Missouri Department of Natural Resources' Air Pollution Control Program (air program) is reviewing Boeings comment and considering various options. Due to inclusion of this rule in the State Implementation Plan (SIP), it is necessary to work with the Environmental Protection Agency (EPA) to ensure all changes to the rule maintain compliance with the SIP and other Clean Air Act requirements. The air program also considers how changes to rules affect all businesses subject to the rule as well as other stakeholders.

While the suggested criteria for the permit-by-rule for this category of ICI boilers and heaters is one possibility, the air program believes it may be necessary to further limit the capacity of these units so that all pollutant emissions remain below the de minimis level. The air program is evaluating this and other options to address this comment.

The air program appreciates comments from all stakeholders and looks forward to continued efforts with Boeing and EPA to finding the best possible solutions for all stakeholders while protecting air quality for the health, general welfare, and property of the citizens of Missouri.

## **WATER PROTECTION PROGRAM**

### **10 CSR 20-6.100 General Pretreatment Regulation**

3V Corporation submitted the following comments. Although the commenter did not identify a particular rule, the comments seem to focus on 10 CSR 20-6.100, General Pretreatment Regulation.

**COMMENT:** According to staff of the Department of Natural Resources, the regulations appear to limit pretreatment systems to municipal wastewater systems and appear to hold all industrial waste, even environmentally inert materials, to the same high standards. This puts a tremendous burden on small businesses who do not have access to municipal systems. In our industry, the environmentally inert waste materials would quickly clog our lines. Therefore, the industry uses widely available, bucket trap systems to capture nearly all of the environmentally inert waste material. Additionally, we use a small settling tank for anything that gets by the trap. This tank has never filled in over 30 years.

**RESPONSE:** The clean water regulations for pretreatment (10 CSR 20-6.100) are intended to prevent the introduction of pollutants in publicly owned treatment works (POTW) which

will interfere with the operation of the POTW, promote recycling or reuse of waste byproducts, and ensure the safety of POTW employees. A key part of this process is ensuring the POTW has a National Pollutant Discharge Elimination System (NPDES) permit, and the waste discharged from the POTW is meeting the limits outlined in the permit. While there are no specific pretreatment rules for non-POTW wastewater treatment plants, the real key for these facilities is the same - that they have an NPDES permit and are ensuring the waste discharged from their treatment plant is meeting permit requirements. If your industry is discharging wastewater after the treatment described above, then that discharge requires an operating permit. This is a requirement of the Missouri Clean Water Law Section 644.051.1 and Missouri Clean Water Commission regulation 10 CSR 20-6.010. Operating permits contain terms and conditions that ensure the discharge is protective of the state's water quality, including both narrative and numeric criteria. The permitting requirement is independent of the pretreatment regulations. The treatment you describe may or may not provide adequate treatment to protect the environment and would be reviewed during the permitting process. As previously mentioned, pretreatment facilities are also sending their treated waste to a permitted POTW for final treatment before discharge. The pretreatment itself does not provide adequate treatment to ensure final water quality requirements are met.

**COMMENT:** Of course, we would love to be connected to the local municipal wastewater system. Apparently, this magically takes care of the pretreatment issues. Someday we will.

**RESPONSE:** When connected to a municipal or other POTW, industries/businesses no longer need to have their own permitted wastewater treatment system, but instead must meet requirements of the system to which they are connected. Discharges to POTWs are exempt from state permitting requirements by law. They may or may not need a pretreatment system depending on the components in the waste being sent to the POTW.

**COMMENT:** Until then, DNR should be able to review and permit private pretreatment systems so that Missouri small businesses don't have to spend large amounts of money to deal with non-existent environmental issues.

**RESPONSE:** The systems you describe can be permitted but the permit is needed for the discharge from those systems rather than the pretreatment that you describe.

## **HAZARDOUS WASTE PROGRAM**

### **10 CSR 26-2.080 – Risk Based Target Levels**

**COMMENT:** The Missouri Petroleum Storage Tank Insurance Fund (PSTIF) submitted comments on 10 CSR 26-2.080, Risk Based Target Levels. PSTIF commented that the rule should be rescinded as it contains outdated references and is therefore obsolete.

**RESPONSE:** The Department of Natural Resources agrees that this rule contains outdated references. The Department recommends the rule be amended to remove the outdated references, rather than rescinded.